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WA No. 1614 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE Mr.JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WA No. 1614 of 2016
AND
CMP No.19993 OF 2016

1. The Secretary To Government
School Education (OP) Department,
Fort St. George, Chennai 9.

2.The Secretary To Government
Personnel And Administrative
Reforms Department, Fort St. George,
Chennai 9.

Appellant(s)

Vs

1. Tmt. M. Rajakumari
W/o. M. Karunakaran,
Plot No. 32, New No. 25,
3rd Cross St, Lakshmi Nagar,
Nanganallur, Chennai 61.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the Order of the Hon'ble High Court of Madras dated 31/08/2012 made in W.P. No. 19367/2012.



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For Appellant(s): Mr.K.H.Ravi Kumar,
Government Advocate

For Respondent(s): No Appearance

JUDGMENT

*(Judgment of the Court was made by **S.M.Subramaniam J.**)*

Notice served to the respondent and the name of the respondent is printed in the High Court Cause List despite, none appears. Therefore this Court is inclined to pass the following orders.

2.Under assail is the writ order dated 31.08.2012 in WP.No.19367 of 2012. State preferred the present intra-Court appeal challenging the writ order mainly on the ground that the respondent filed the writ petition challenging the rejection order passed by the Government for stepping up of her pay on par with her Junior Smt.N.S.Gayatri, Personal Clerk promotee to Assistant Section Officer.

3.The learned Government Advocate would submit that the Writ Court has gone beyond the scope of relief as such sought for in the writ petition and deleted the portion in the Government Order issued in G.O.Ms.No.112, P & AR Department, dated 13.07.2012 and in respect of the said Government Order



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issued in G.O.Ms.No.112, the Division Bench of this Court in WA.No.914 of 2013 dated 23.07.2013 upheld the said Government Order and the relevant paragraphs of the said judgment read as under:-

“16.The Hon’ble Supreme Court of India in the above cited decision also makes it clear that benefits could be given only to a person who fulfills the conditions and the petitioner did not fulfill the conditions enumerated in G.O.Ms.No.112 dated 13.07.2012. G.O.Ms.No.112 dated 13.07.2012 came into being after filing of the writ petition and though the said Government Order was not put to challenge, the learned Judge has moulded the relief and directed the second respondent to issue fresh order after deleting paras 6 to 7 of the said Government Order. In the considered opinion of this Court, such direction is unsustainable on facts as well as in law for the reason that admittedly the petitioner was not in service at the time of issuance of the said Government Order and therefore, he is not entitled to derive any benefits out of the same. The said Government Order also makes it clear that the benefits is to be made available only to the existing employees.

17.Hence, for the reasons assigned above, the impugned order passed in the writ petition is liable to be set aside.

18.In the result, the Writ Appeal is allowed and the order dated 31.08.2012 made in WP.No.865/2009 is set aside. Consequently, the writ petition is dismissed. However, in the circumstances of the case, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.”

4.As far as the present appeal is concerned, the order under challenge by the respondent in the writ proceedings was G.O.Ms.No.314, School Education Department dated 14.12.2010, wherein the application submitted by the respondent seeking stepping up of pay was rejected. Perusal of the said



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Government Order would show that pay was erroneously fixed to the junior to the first respondent Tmt.N.S.Gayatri in the post of Personal Clerk promotee to Assistant Section Officer and fixation of pay in respect of the said junior was found to be erroneous.

5.The learned Government Advocate would submit that the said order also came to be canceled in view of the order passed by this Court in Review Application No.16 of 2009 dated 05.12.2008. Therefore, the junior to the first respondent Smt.N.S.Gayatri was not receiving any higher pay based on the erroneous fixation of pay. Since the reference made by the petitioner in respect of Smt.N.S.Gayatri could not able to secure refixation of pay and subsequently, the said refixation was found to be erroneous and canceled in view of the orders passed in Review Application No.16 of 2009, the first respondent is not entitled to seek stepping up of pay by referring the case of her junior Smt.N.S.Gayathri.

6.In this view of the matter, this Court does not find any infirmity in respect of the Government Order impugned in G.O.Ms.No.314 dated 14.12.2010. The Writ Order impugned is therefore unsustainable and



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consequently, stands set aside. The Writ Appeal is allowed. No costs.

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Consequently, connected CMP is also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
05-01-2026

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Index:Yes

Speaking order

Internet:Yes

Neutral Citation:Yes



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