



WEB COPY



WA No. 226 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 226 of 2026

and

CMP No. 2008 of 2026

1. The Director of School Education
College Road,
Chennai-600006
2. The Joint Director of School Education
(Personnel), College Road,
Chennai-600006
3. The Chief Educational Officer
Perambalur,
Perambalur District
4. The District Educational Officer
Veppur at Perali District Educational Office,
Perali, Perambalur District

..Appellant(s)

Vs

A. Rajasekaran
S/o.Late M.Ayyasamy
No.4/172, Nadar Line,
Gangaikondan, Neyveli-2
Cuddalore District-607802

..Respondent(s)



WA No. 226 of 2026

Appeal filed under clause 15 of Letters Patent to set aside the order dated 29.11.2023 made in WP No.27243/2021 and allow the Writ Appeal.

For Appellant(s): Mr.J.C.Durairaj
Additional Government Pleader

For Respondent(s): Mr.J.Shanmuga Sundara Babu

Judgment

(Judgment of the Court was delivered by N.Senthilkumar J.)

This intra court appeal has been filed challenging the order passed by the Writ Court in W.P.No.27243 of 2021 dated 29.11.2023.

2.The Respondent, who was promoted from the post of P.G.Assistant to the post of Headmaster of the High School filed a Writ Petition in W.P.No.27243 of 2021, challenging the orders passed by the Appellants, rejecting the claim of promotional increment and fixation of pay under Rule 22-B of Fundamental Rules in accordance with Letter No.48211/Pay Cell/2012-1 dated 09.10.2012 issued by the Finance (Pay Cell) Department. The Writ Court has considered the claim of the Respondent by taking into consideration the letter of the Government dated 09.10.2012 stated supra, wherein the



Government had given its clarification that employees on promotion to higher posts are entitled for the benefit of one increment benefit equal to 3% of the sum of the pay in the pay band and the existing grade pay computed and rounded off to the next multiple of 10 and the same will be added to the existing pay in the pay band.

3.It is to be noted that in the said letter the Government has clarified that if the promoted post carries an identical scale of pay i.e., in the same pay band and same grade pay in the revised pay structure on promotion, the employee is entitled to one increment equivalent to 3% of Basic Pay (Pay + Grade pay) in the lower post. The contention of the Government that the administrative order cannot override the statutory benefit given to the employer was declined by the Writ Court. Challenging the same, the present Appeal has been filed.

4.The point for consideration is whether the writ petitioner is entitled for one increment, which is equivalent to 3% Basic Pay (Pay + Grade pay) in the lower post, which has been clarified by the Government by letter dated 09.10.2012. The benefit covered under 22-B of Fundamental Rules was also considered by this Court in W.P.No.14298 of 2007 dated 14.10.2009



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[*S.Shanmugam Vs. The Director of school Education and Others*], wherein it was held as under:

“It is nowhere stated in FR 22-B that the benefit of FR 22-B cannot be given in cases, where the promoted post and the post from which the Government employee is promoted carry the same scale of pay”

The Writ Court has taken note of the said interpretation on Rule 22-B of Fundamental Rules, while passing the impugned order. That apart, when a clarification has been given by the Government with regard to Rule 22-B of Fundamental Rules, the stand taken by the Appellant that the administrative order cannot override the statutory benefit given to the employer, cannot have any legal force.

5. In view of the same, we do not find any merit to interfere with the order of the Writ Court. Accordingly, the present Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.K.,J.) (N.S.,J.)
11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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