



W.P.(MD)No.6734 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 12.01.2026

Delivered on : .02.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.6734 of 2015 and
M.P.(MD)No.1 of 2015

- 1.The Chief General Manager,
BSNL, Tamil Nadu Circle,
16, Greams Road,
Chennai – 600 006.
- 2.The General Manager,
BSNL,
Madurai – 625 002.
- 3.The Senior Accounts Officer (Drawal),
O/o General Manager, BSNL,
No.2, V.P.Rathinasamy Road,
Bibikulam,
Madurai – 625 002.

: Petitioners

Vs.

- 1.S.Bengamin
- 2.The Central Administrative Tribunal,
Madras Bench,
Chennai.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the order passed by the second respondent made in O.A.No.980 of 2011 dated 02.07.2014 and quash the same.



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For Petitioner : Mr.K.Govindarajan
Dy. Solicitor General of India

For Respondent : Mr.S.Ramasamy for R1
R2 is Tribunal

JUDGMENT

R.KALAIMATHI, J

Challenge is made to the Order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.980 of 2011 dated 02.07.2014.

2. The applicant, S.Benjamin S/o Sandiago was appointed as Lineman on 16.06.1978. He was granted one time bound promotion on 16.06.1994. He was promoted to the post of Telephone Mechanic on 04.11.1995. In the year 2004, Biennial Cadre Review benefit was granted to him.

2.1. His juniors, one S.Murugesan (in O.A.No.980 of 2011) and, K.Murugesan (in O.A.No.981 of 2011) are getting more pay than him, even though the said juniors were appointed in the Telecom Department after his appointment and they were promoted to the grade of Telephone Mechanic after the applicant was promoted. As per the Seniority List, his serial number is 147, and the serial numbers of S.Murugesan and K.Murugesan are 969 and



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973. When the Department of Telecom was transferred into BSNL with effect from 01.10.2000, due to restructuring, they have been drawing more pay than the applicant.

2.2. His representation to the third respondent to settle the pay anomaly even in the year 2010 was rejected by the impugned order dated 18.04.2011. Juniors are getting higher pay than the applicant as per the policy decision of the Department. Point-to-point fixation in Industrial Dearness Allowance was fixed with effect from 01.10.2000. For that reason, the applicant should not be penalized for no fault of him.

3. Per contra, on behalf of the Department, it is stated that the applicant was promoted under OTBP in the year 1994, and he was promoted in the pay scale of Rs.950-1400 of IV Pay Commission, whereas his juniors were promoted in the pay scale of V Pay Commission with effect from 01.01.1996. Due to the implementation of the Industrial Dearness Allowance Pay scale instead of the Central Dearness Allowance Pay, due to the transition of the Department of Telecom into BSNL with effect from 01.10.2000. The applicant was promoted in the CDA scale, whereas the juniors were promoted in the IDA scale comparatively with more emoluments, and the same cannot be considered as pay anomaly or pay aberration. In such circumstances, the stepping up of pay of the applicant on par with his juniors is not possible, and he sought dismissal of his claim.



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4. The Central Administrative Tribunal, after hearing the arguments advanced by either side, ordered the respondents to step up the pay of the applicant on par with his respective juniors and ordered to revise and refix the pay within a period of two months from the date of receipt of a copy of the order.

5. Heard Mr.K.Govindarajan, learned Deputy Solicitor General of India for the writ petitioners and Mr.S.Ramasamy, learned counsel for the first respondent/applicant.

6. Pay scale of the applicant was fixed in the CDA scale. The juniors, as stated above, were promoted in the IDA scale, admittedly with more emoluments than the applicant. It is relevant to note that the Department of Telecom transformed into BSNL with effect from 01.10.2000. The Department admits that the afore-stated juniors were promoted in IDA scale which is comparatively with more emoluments, then, it is certainly pay anomaly. When the junior gets more pay than the senior in the same cadre, then it is called pay anomaly in the service jurisprudence. To set right the pay anomaly, stepping up of pay would set right the pay anomaly/pay aberration. FR 22(1) (a)(1) is extracted hereunder:



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“both the junior and senior officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;”

7. In such circumstances, the applicant, who is senior to the above stated persons, who is promoted in the CDA scale, is entitled for stepping up on par with his juniors. We are of the considered view that the impugned order does not suffer from any perversity or infirmity. We also do not find any good reason to upset the finding of the Tribunal.

8. Based on the aforestated narrative, this writ petition stands dismissed. Sequel to this, the Order dated 02.07.2014 passed in O.A.No.980 of 2011 by the Central Administrative Tribunal, Madras Bench, Chennai, stands confirmed. The petitioners are directed to step up the pay of the first respondent/applicant on par with his juniors and pass orders revising and refixing his pay with all consequential arrears and allowances within a period of twelve weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition, if any, stands closed.

[G.R.S.,J] (R.K.M.,J]

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NCC : Yes/No

Index : Yes / No

Internet : Yes / No



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To

The Central Administrative Tribunal,
Madras Bench,
Chennai.



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G.R.SWAMINATHAN,J.
AND
R.KALAIMATHI,J.
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