

W.P.(MD) No.1608 of 2017

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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Reserved On : 24.07.2025

Pronounced On : 14.08.2025

CORAM:

**THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

W.P. (MD) No.1608 of 2017

J.Dharmaraj,  
S/o. A.Joseph,  
No.4-26/1 /1, Park Town,  
6<sup>th</sup> Street, P & T Nagar,  
Madurai -17.

... Petitioner

Vs.

1. State of Tamil Nadu,  
Rep by its Principal Secretary,  
Department of School Education,  
Fort St. George,  
Chennai - 9.

2. The Director of School Education,  
DPI Campus,  
College Road,  
Chennai - 6.

3. The Joint Director of School Education,  
DPI Campus,  
College Road,  
Chennai – 6.

4. The District Educational Officer,  
O/o. the District Educational Officer,  
Dindigul.

... Respondents



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PRAYER in W.P.:

**WEB COPY** To issue a writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.5062/A1/2016 on the file of the Respondent No.4 dated 22.11.2016 and quash the same as illegal and consequently for a direction, directing the Respondent No.4 to rectify the pay difference by way of stepping up the scale of pay of the petitioner on par with the pay of Vocational Instructor which was the substantive post held by the Petitioner with effect from 16.10.2012 and disburse the monetary benefit along with arrears in accordance with the Rule 4(3) of the Tamil Nadu Revised Scale of Pay Rules, 1989 within the time period stipulated by this Hon'ble Court and pass any further or other orders as this Hon'ble Court may deem fit under the circumstances of the case and thus render Justice.

**APPEARANCE OF PARTIES:**

For Petitioner : Mr.Rithick Susil, Advocate  
for M/s.Lajapathi Roy Associates

For Respondents : Mr.T.Amjad Khan  
Government Advocate

**J U D G M E N T**

Heard.

2. The Petitioner seeks to set aside the order dated 22.11.2016, whereby the 4<sup>th</sup> Respondent declined the request for stepping up of pay. The Petitioner further prays for a consequential direction to rectify the

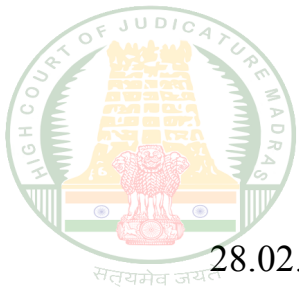


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pay disparity by stepping up the scale of pay on par with that of a Vocational Instructor — the substantive post earlier held by the Petitioner — with effect from 16.10.2012, and to disburse the resultant monetary benefits along with arrears, in accordance with Rule 4(3) of the Tamil Nadu Revised Scales of Pay Rules, 1989.

3. The writ petition was admitted on 01.02.2017. At the time of its filing, the Petitioner was aged 53 years, and by now would have attained 61 years and stood retired on reaching the age of superannuation. In support of the claim, the Petitioner has relied on two orders of this Court — the first in *W.P. No. 11677 of 2007* dated 17.04.2012 (*A. Rengaraj*), relating to the grant of incentive increments to a Headmaster of a Primary School, and the second in *W.P.(MD) No. 16968 of 2016 dated 21.09.2016* (*J. Dharmaraj*), which bears closer factual resemblance to the present case, as it pertained to the stepping up of pay on par with the vocational sector.

4. In the *Dharmaraj* case (supra), the learned Judge followed the earlier decision in *Rengaraj* (supra). Upon notice from this Court in the present matter, the 4th Respondent filed a counter affidavit dated



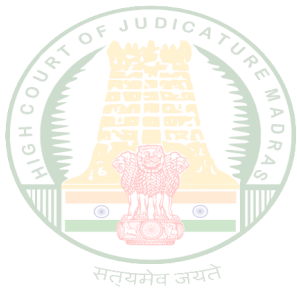
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28.02.2017, to which the Petitioner filed a rejoinder affidavit dated 18.12.2018. Subsequently, the 3<sup>rd</sup> Respondent filed an additional counter affidavit dated 06.12.2021.

5. In paragraphs 6 and 9 of the counter affidavit filed in support of the writ petition, it is averred as follows:—

“6. It is again submitted that having failed to step up his pay in the post of P.G.Assistant in the year 2005 itself the Petitioner has chosen to file this writ petition for stepping up his officiation pay in the post of Hr.Sec.School Head Master. The Stepping up of the pay in the officiating post on par with the substantive post is eligible only in V Pay Commission from 01-01-1996 to 31.12.2005. Had the petitioner claimed the pay parity during the above period (ie) while he was working as P.G.Assistant the present anomaly of pay in the post of Hr.Sec.School Head Master would not have occurred. His representation dated 05-09-2015 sent to this Respondent does not disclose any illustration as to how his substantive pay is more than the officiating pay.

9. It is further submitted that the no employee has been given the benefit of Rule 4(3) of Tamil Nadu Revised Scale of Pay 1989. For the sake of Logic, if the above benefit is allowed it would open a flood gate litigation which would cause a heavy burden on the exchequer of the Government. It is further submitted that unless there is a specific provision made in the Tamil Nadu Revised Scales of Pay Rules 2009, to step up the officiating pay on par with the pay drawn in the substantive post, this respondent is not in a position to consider the prayer of the petitioner.”



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6. In the additional counter affidavit, at paragraphs 12 and 16, the following averments are made:—

“12. It is humbly submitted that in the Tamil Nadu Revised Scales of Pay Rules, 2009 Rule 5(2) and (3) on Rectification of anomaly of Junior getting more pay than Senior it is noted that the pay in the pay band of the senior Government employee should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that higher post. The stepping up should be done with effect from the date of appointment of the junior Government employee subject to the fulfilment of the following conditions, namely:-

(2) The anomaly should have arisen directly as a result of the introduction of the revised scales of pay.

(3) Where a junior who opts to come over to the revised scale from a date subsequent to 1<sup>st</sup> January 2006 and happens to get more than that of his senior by way of fitment benefit, then the pay of the senior shall be stepped up to the level of the pay of the junior with effect from the date from which the junior draws such higher pay, provided that the senior was drawing pay higher than or equal to the pay of the junior in the pre-revised scales of pay from time to time.

The petitioner's pay anomaly was not arisen directly as a result of the introduction of the revised scales of pay but the juniors who retained as vocational instructors received special benefits in their Service Rule alone to which the petitioner cannot be compared with.



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16. It is respectfully submitted that the petitioner seems to enjoy the two steps of promotional benefits. For enjoying those two steps promotional benefits the petitioner has chosen 7<sup>th</sup> pay commission to be implemented in his pay also. In those times, vocation instructors who are not allowed to get incentives acquiring higher qualifications filed a number of cases in this Hon'ble Court and in obedience of the Court orders Education Department granted incentives for higher qualifications in vocational cadre also. So, the vocational instructors receive incentives from 2009 whereas the petitioner could not receive the benefits as he was no longer served as a vocational instructor.”

7. The Respondents have also referred to a clarification issued by the Finance Department of the Government to the University of Madras, regarding revision of pay scale, by letter dated 18.05.2011, which reads as follows:—

“In the absence of specific provision in the Tamil Nadu Revised Scales of Pay Rules 2009, the provision made under Rule 4(3) of the Tamilnadu Revised Scales of Pay Rules 1998 cannot be made applicable in the revised scales pay as notified in the Tamilnadu Revised Scales of Pay Rules, 2009.

In the revised pay scales implemented with effect from 1.1.2006 no separate scales of pay have been provided for selection Grade / Special Grade posts. Hence only one increment equal to three percent of the



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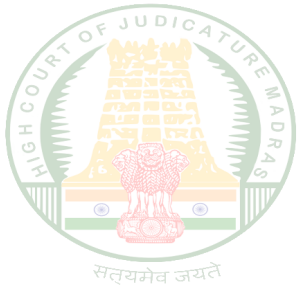
basic pay including grade pay in the same pay bank and grade pay is allowances employees on award of Selection Grade / Special Grade pay question of awarding selection grade / special grade in the promotion counting the services rendered in the selection grade of the lower post of arises and hence, the orders issued in G.O.Ms.No. 210, Personnel Administrative Reforms (S) Department dated 11.3.1987 cannot be applicable in the revised scales of pay implemented with effect from 1.1.2006 the objection raised by the Local Fund Audit Department is in order.”

8. The explanation offered by the Respondents for declining the request for stepping up of the Petitioner’s pay is found to be well-reasoned and acceptable. In the precedents relied upon by the Petitioner, the specific issues raised in the present case were neither considered nor addressed; consequently, those decisions do not advance the Petitioner’s claim.

9. Hence, the writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

**14.08.2025**

Index: Yes / No  
Speaking Order / Non-speaking Order  
Neutral Citation : Yes / No  
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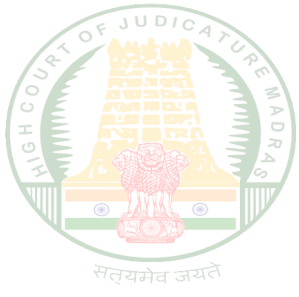
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To

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**DR. A.D. MARIA CLETE, J.**

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Pre-delivery Judgment made in  
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