

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19292 of 2015

M.Anusuya

... Petitioner

vs.

1.The Director,
Directorate of Elementary
School Education,
Chennai - 600 006.

2.The District Elementary
Education Officer,
Krishnagiri District.

3.The Assistant Elementary
Education Officer,
Uthangarai,
Krishnagiri District - 635 207.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the 2nd respondent to provide a grade pay equal to the junior grade pay, based on representation dated 15.06.2015 filed by the petitioner.

For Petitioner : Mr.T.Venkatesan

For Respondents: Mr.V.Jayaprakash Narayanan
Special Govt.Pleader

ORDER

The petitioner is working as Middle School Headmaster in Panchayat Union Middle School, Kengapparampatti Panchayat Union, Uthangarai Taluk.

2. According to the petitioner, she got incentive increment for acquiring M.A. and B.Ed, while she was receiving pay under regular/ordinary grade, even before Selection Grade. But her junior one Mr.P.Ponmudi, obtained incentive increment after he got selection grade. The grievance of the petitioner is that her junior was put in higher scale than the petitioner. Hence, she made a representation, dated 15.06.2015, to the first respondent, to provide her scale of pay equal to that of her junior. Since no order is passed, the petitioner has come up with this writ petition.

3. This Court in various decisions held that the anomaly that arose while granting incentive increment to senior at an earlier point of time before revision of pay and granting incentive increment to junior, after revision of pay, should be rectified, otherwise it would amount to penalising the senior for acquiring higher qualification at an earlier point of time.

4. In view of the above, the writ petition is disposed of by directing the first respondent to consider the representation of the petitioner, dated 15.06.2015, in the light of the facts set out above and pass appropriate order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Director,
Directorate of Elementary School Education,
Chennai - 600 006.
- 2.The District Elementary Education Officer,
Krishnagiri District.
- 3.The Assistant Elementary Education Officer,
Uthangarai, Krishnagiri District - 635 207.

+1cc to Mr.T. Venkatesan, Advocate, S.R.No.32670

+1cc to the Government Pleader, S.R.No.33353

GP(CO)
EU(09/07/2015)

W.P.No.19292 of 2015