

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36238 of 2016

R.Anbukillaiyar

... Petitioner

Vs.

- 1 The Principal Secretary to Government
School Education Department,
Secretariat, Chennai – 600 009.
- 2 The Director of School Education,
DPI Campus,
College Road, Chennai – 600 006.
- 3 The Joint Director of School, Education (Higher Secondary),
DPI Campus, College Road,
Chennai – 600 006.
- 4 The Chief Educational Officer
Vellore, Vellore District.
- 5 The Head Master
Government Boys Higher Sec. School,
Katpadi, Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the last representation of the petitioner dated 29.2.2016 addressed to the 2nd respondent to rectify the pay anomaly of the petitioner with effect from 1.1.2008, the date from which Junior to the petitioner is drawing higher pay and disburse the same with

interest at 12% without any further delay.

For Petitioner : Mr.G.Amalraj
For Respondents : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents herein to consider the last representation of the petitioner dated 29.02.2016 addressed to the second respondent to rectify the pay anomaly of the petitioner with effect from 01.01.2008, the date from which Junior to the petitioner is drawing higher pay and disburse the same with interest at 12% without any further delay.

3.The petitioner would state that she has passed M.A.,(English), M.Phil., M.Ed., and was appointed as Post Graduate Assistant (English) and joined the services on 18.03.1993 and has worked under the fifth respondent till her retirement. Prior to the petitioner's appointment as P.G.Assistant (English), in the academic year 1989 – 90 through regular course, she had acquired M.Phil Degree in English through Mother Teresa Women's University, Kodaikanal and was awarded incentive increment on 18.03.1993 for having acquired

M.Phil qualification and on 20.12.1993 for having acquired M.Ed. Degree before implementation of the VI Pay Commission Recommendations.

4.The petitioner would further state that she is drawing lower salary than one V.Dayalan who is also working as P.G.Assistant (Tamil) in the fifth respondent School and the said V.Dayalan is junior to her. The petitioner would further state that she is paid lower salary than her junior, because the incentive increment was awarded to the petitioner before the implementation of the VI Pay Commission Recommendations and incentive increment was awarded to the said V.Dayalan after the implementation of the VI Pay Commission Recommendations.

5.The petitioner would further state that in G.O.Ms.No.234 dated 01.06.2009, necessary provisions have been made to rectify the pay anomaly among the junior and senior in the same category and subsequently, the Secretary to Government (finance Pay Cell) Department has also issued a letter in Lr.No.45113/Pay Cell/ 2009 – 1, dated 17.08.2009, clarifying the fact that the Pay Drawing Authority of an employee is authorized to rectify the pay anomaly, if any complaint regarding pay anomaly is made to him. The

petitioner in this regard, made representation to the second respondent dated 29.02.2016, to rectify the pay anomaly of the petitioner with effect from 01.01.2008, the date from which her junior is drawing higher pay and disburse the same, with interest at the rate of 12% without any further delay, but the said representation was not considered. Hence, this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

7.Considering the submissions made on either side and without going into the merits of the case, this Court directs the second respondent to consider the petitioner's representation dated 29.02.2016, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

18.10.2016

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Index: Yes/ No
Internet: Yes/ No

To

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R.SUBBIAH,J.

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