

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.430 of 2017

S.Murugan

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.

2.The Additional Assistant Elementary
Educational Officer, Harur,
Dharmapuri District.

3.J.Suryakala

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 06.08.2016 praying for fixation of pay on par with his Junior Tmt.J.Suryakala with effect from 02.01.2016 in the light of the orders passed in W.P.No.22326 of 2007 dated 10.04.2008 and W.P.Nos.3698, 3699, 3700 and 4352 of 2007 dated 18.06.2012 and in the light of G.O.Ms.No.25 P & A.R. Department dated 23.03.2015.

For Petitioner : Mr.P.Rajendran

For Respondents : Mrs.Vasudha Thiagarajan,
Additional Government
Pleader (Edn.) (R1 & R2)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner was initially appointed as Secondary Grade Teacher on 31.07.1995 and was promoted as Primary School Headmaster on 07.07.2005 and was further promoted as B.T. Assistant on 29.06.2012. The petitioner would further aver that the 3rd respondent was appointed as Secondary Grade Teacher on 31.07.1995 and was promoted as Primary School

Headmaster on 29.07.2005 and was further promoted as B.T. Assistant on 02.01.2016. It is the claim of the petitioner that as on 01.07.2015, he was drawing a salary of Rs.24,690/- and the 3rd respondent was drawing Rs.23,820/- and she is junior to him with reference to the date of promotion to the post of Primary School Headmaster and B.T. Assistant. On promotion as B.T. Assistant, the pay of the 3rd respondent was fixed at Rs.26,120/- in the post of B.T. Assistant and the petitioner was receiving a sum of Rs.24,690/- for the very same post. The petitioner, in this regard, has submitted a representation dated 15.11.2016, through proper channel, to the 1st respondent praying for taking steps to place him on par with his junior, the 3rd respondent, based on the G.O.Ms.No.25 Personnel and Administrative Reforms (FR.IV) Department dated 23.03.2015 as well as on the basis of the orders dated 10.04.2008 in W.P.No.22326 of 2007 [P.Karpagam Vs. The Director of Elementary Education, Chennai - 6 and 2 others] and 18.06.2012 in W.P.No.3698 to 3700 & 4352 of 2007 [T.Mani and 3 others Vs. The District Elementary Educational Officer, Vellore]. Despite receipt and acknowledgment, the representation of the petitioner has not been given disposal and therefore, came forward to file this Writ Petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mrs.Vasudha Thiagarajan, learned Additional Government Pleader (Education) who accepts notice on behalf of the respondents 1 & 2.

4. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider the petitioner's representations dated 06.08.2016 and 15.11.2016, after putting on notice the 3rd respondent and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 3rd respondent.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

va

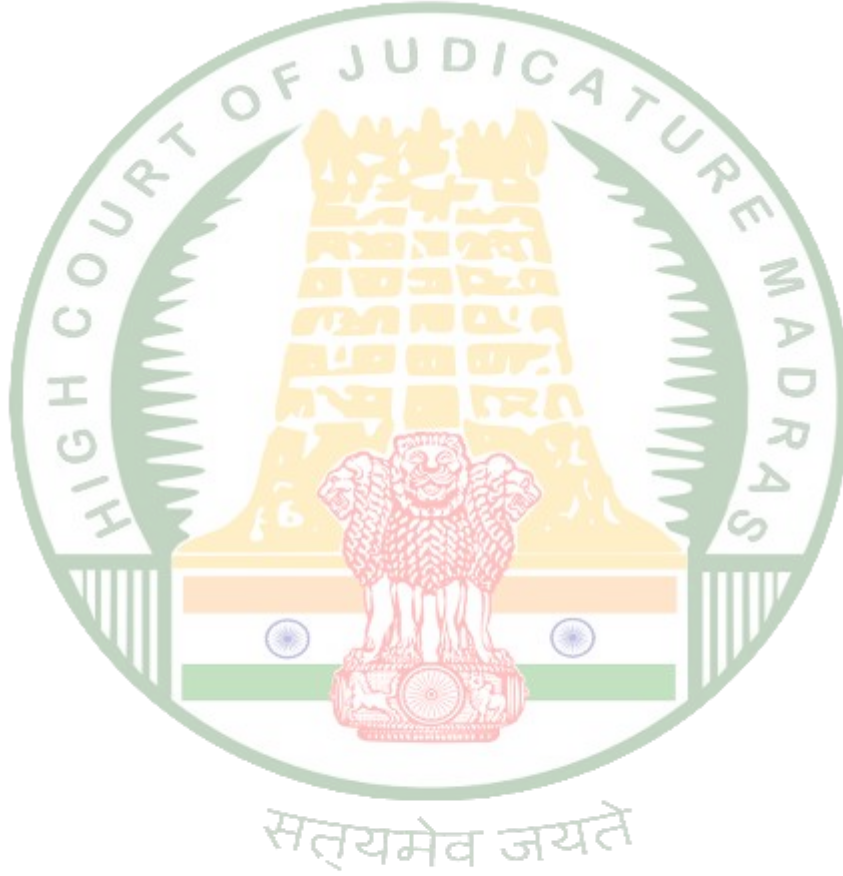
To

1.The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.

2.The Additional Assistant Elementary
Educational Officer,Harur,
Dharmapuri District.

+1cc to Mr.P.Rajendran, Advocate sr.2459

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