

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.644/2017

C.S.Raja ..Petitioner

Vs

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

2.The Additional Assistant Elementary
Educational Officer, Tiruppattur
Vellore District.

3.Tmt.Agnes Rajakumari ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to consider the petitioner's representation dated 29.11.2016 requesting for fixation of his pay on par with his junior, Mrs.Agnes Rajakumari in the light of the orders passed in WP.Nos.3698, 3699, 3700 and 4352/2007 dated 18.06.2012.

For Petitioner : Mr.P.Rajendran
For R1 & R2 : Mr.V.Anandamoorthy, AGP [Edn]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner was appointed as Secondary Grade Teacher on 29.09.1986 and his services were regularised with effect from 29.09.1986 and successfully completed his probation on 29.09.1988. the petitioner would aver that the 3rd respondent was initially appointed as Secondary Grade Teacher on 21.10.1988

and her services were regularised on 21.10.1988 and she successfully completed her probation on 21.10.1990. The petitioner was transferred from K.V.Kuppam Block to Tiruppattur Block and he was a probationer at that point of time and the 3rd respondent was not even appointed and she came to be appointed only on 21.10.1988. the petitioner would further aver that he was promoted as Primary School Headmaster on 07.04.2003 and the 3rd respondent was promoted to the said post on 24.09.2004 and thereafter, the petitioner got promotion as Middle School Headmaster on 23.07.2007 and the 3rd respondent was promoted to the said post on 02.06.2010.

3 The petitioner retired from service on 31.05.2016 as Middle School Headmaster and during the period of service, he was awarded two incentive increments for acquiring higher qualification, viz., M.A., B.Ed., and the 3rd respondent was also awarded two incentive increments for acquiring higher qualification, viz., M.A., M.Phil with effect from 18.01.2013 and as a result, the 3rd respondent was drawing a higher pay with effect from 18.01.2013 and according to the petitioner, such a pay anomaly can be rectified as per G.O.Ms.No.234, Finance [Pay Cell] Department dated 10.06.2009. The petitioner, in this regard, has submitted a representation dated 29.11.2016 to the 2nd respondent praying for stepping up of his pay on par with his junior, viz., the 3rd respondent herein and the 2nd respondent, in turn, has forwarded the same to the 1st respondent vide Letter in Na.Ka.No.836/A1/2016 dated 17.12.2016 and since no orders have been passed, the petitioner came forward to file the present writ petition.

4 The learned counsel for the petitioner would submit that the petitioner, along with his representation dated 29.11.2016, has also enclosed a copy of the order passed by this Court dated 18.06.2012 made in WP.Nos.3698, 3699, 3700 and 4352/2012 [T.Mani and 3 others Vs. The District Elementary Educational Officer, Vellore, Vellore District], and therefore, there cannot be any impediment on the part of the 1st respondent to pass orders on the proposal submitted by the 2nd respondent.

5 Heard the submissions of Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials placed before it.

6 Though the petitioner has prayed for a 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 either in his representation or in this writ petition, directs the 1st respondent to act on the

proposal submitted by the 2nd respondent in Na.Ka.No.836/A1/2016 dated 17.12.2016 on merits and in accordance with law and after putting on notice, the 3rd respondent herein, shall pass orders within a period of twelve 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 herein.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The District Elementary Educational Officer
Vellore, Vellore District.
- 2.The Additional Assistant Elementary
Educational Officer, Tiruppattur
Vellore District.

+1cc to Mr.P. Rajendran, Advocate, S.R.No.2457
+1cc to the Government Pleader, S.R.No.2636

sv (CO)
md(27/01/2017)

सत्यमेव जयते W.P.No.644/2017

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