

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.747 of 2017

V.Tamilmani

...Petitioner

-Vs-

1. The District Elementary Educational Officer,
Dharmapuri,
Dharmapuri district.
 2. The additional Assistant Elementary Educational Officer,
Pappireddipatti, Dharmapuri District.
 3. Mr.K.Palanisamy,
Head Master, Panchayat Union Elementary School,
Kalipettai, Pappireddipatti Block,
Dharmapuri District.
- ...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to reconsider the petitioner's representation dted 29.09.2015 requesting for fixation of his pay on par with his junior Mr.K.Palanisamy in the light of the orders passed in W.P.Nos.3698, 3699, 3700 and 4352 of 2007 dated18.06.2012.

For Petitioner : Mr.P.Rajendran

For Respondents: Mr.V.Anandamoorthy
Additional Govt.Pleader

O R D E R

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

2. The petitioner was appointed as a Secondary Grade Teacher in the service of the respondents and was regularised with effect from 29.01.1991 and he has also successfully completed his probation. The petitioner was initially appointed in Uthankarai Block and transferred to Pappireddipatti Block on 23.09.1992. One Palanasamy, who was initially appointed as Secondary Grade Teacher in Pennagaram Block on 01.03.1991 was

transferred to Pappireddipatti Block on 08.07.1994. The petitioner got his promotion as Headmaster on 04.12.2008 and the 3rd respondent Palaniswamy was promoted as Headmaster on 02.06.2009. In the seniority list of Primary School Headmasters, the petitioner was placed at Sl.No.24 and the 3rd respondent was placed at Sl.No.28. The petitioner would further aver that the petitioner was awarded incentive increment for acquiring higher qualification of B.Ed., with effect from 12.11.1995 and M.A., with effect from 23.11.1998 in the pre-revised scale and the 3rd respondent was awarded incentive increments for acquiring higher qualification of M.A., and B.Ed., with effect from 05.12.2012 as per VI Pay Commission scale of pay and in consequence, the 3rd respondent starting drawing higher pay with effect from 05.12.2012. The petitioner, in this regard, submitted a representation to the 1st respondent through proper channel on 29.09.2015 praying for stepping up of his pay on par with his junior, namely, the 3rd respondent and it was also forwarded by the Assistant Elementary Educational Officer, Pappireddipatti, to the first respondent in Na.Ka.No.976/A1/2015 dated 06.11.2015 and it was returned on 02.11.2015 stating there is no provision to remove such pay anomaly in the case of persons who were initially appointed in different blocks. According to the petitioner, this Court, in a common order dated 18.06.2012 made in W.P.Nos.3698, 3699, 3700 and 4352 of 2007 dated 18.06.2012 (T.Mani Vs. The District Elementary Educational Officer, Vellore, Vellore District) has repelled the said contention and allowed the writ petition and fixed the pay on par with their juniors. Therefore, the petitioner came forward to file this writ petition.

3. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner directs the respondents 1 and 2 to act on the representation submitted by the petitioner dated 22.08.2016, after putting the 3rd respondent on notice and shall pass orders within ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the 3rd respondent. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

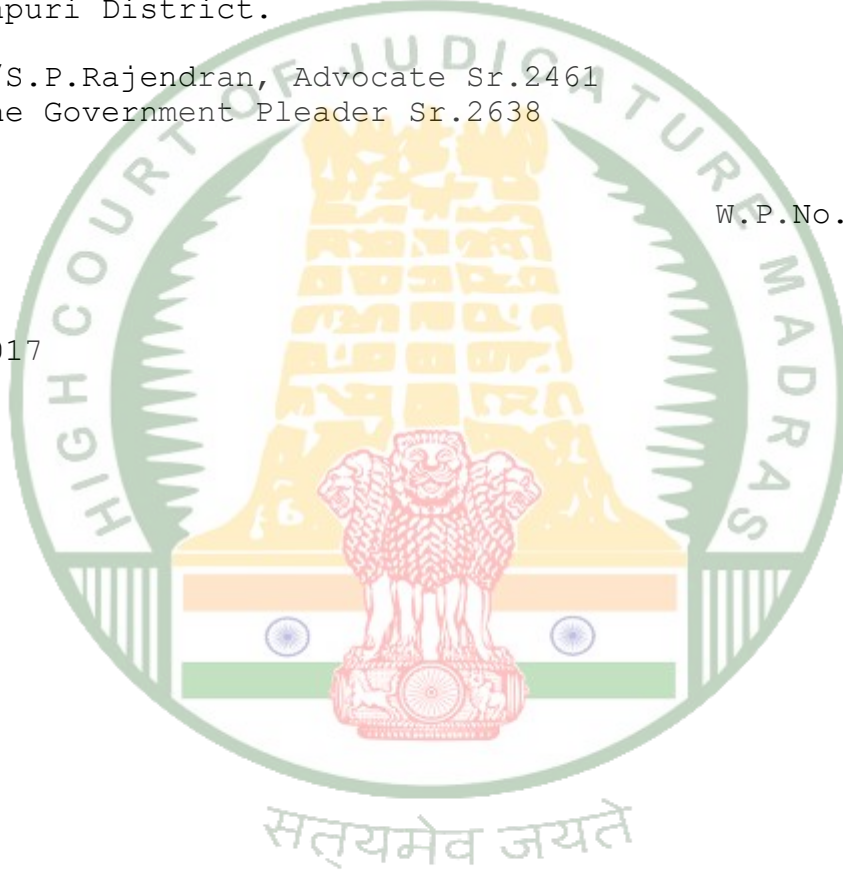
To

1. The District Elementary Educational Officer,
Dharmapuri,
Dharmapuri district.
2. The Additional Assistant Elementary Educational Officer,
Pappireddipatti, Dharmapuri District.
3. The Head Master, Panchayat Union Elementary School,
Kalipettai, Pappireddipatti Block,
Dharmapuri District.

+1cc to M/S.P.Rajendran, Advocate Sr.2461
+1cc to the Government Pleader Sr.2638

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srg 6/2/2017



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