

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAM

W.A No.317 of 2015 and
M.P.Nos.1 & 2 of 2015

- 1.The Director of School Education
College Road, Chennai- 600 006
 - 2.The Chief Educational Officer
Dharmapuri
Dharmapuri District
- ...Appellants/Respondents

Vs

Tmt.R.Lakshmi

...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent, against the order made in W.P.No.24093 of 2006 dated 05.11.2012.

WP.No. 24093 of 2006 : Writ petition filed under Article 226 of Constitution of India seeking writ of Certiorarified mandamus calling for the records pertaining to the order passed by the 1st respondent in his proceedings O.Mu.No.102542/L2/2004 dated 30-11-2004 and quash the same and direct the respondents to step up the scale of pay of the petitioner on par with that of her junior R. Muthukali as per the Rule 5 (2) of the Revised Scale of Pay Rules 1988 and consequently revise the pension and confer all the monetary benefits to the petitioner.

For Appellants : Mr.K.Karthigeyan
Govt. Advocate (Edu)

For Respondents: Mr.P.Ganesan
for M/s.C.S.Associates

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J U D G M E N T

K.K. SASIDHARAN, J.

The claim made by the first respondent to step up pay taking into account the pay of her junior was allowed by the learned single Judge. The order is under challenge at the instance of the State.

2. The respondent was receiving pay higher than the pay of her junior by name Ms.R.Muthukkali. Subsequently, the junior was given incentive for obtaining M.A qualification with effect from 31.12.1998. In view of the incentive given to her, the pay scale was revised. The junior, therefore, was receiving more pay than the respondent. The respondent, therefore, filed the writ petition.

3.The Learned single Judge allowed the writ petition by taking into account Rule 5(2) of the Tamil Nadu Revised Scales of Pay, 1998.

4.We have considered the comparative chart produced by the appellants to show the pay scale of the respondent and her junior by name Ms.R.Muthukkali.

5. It is found that prior to 1st January 1996, the respondent was drawing more pay than Ms.R.Muthukkali. Since she was receiving incentive for acquisition of the qualification in M.A, her pay was fixed taking into account the annual increment of Rs.2900/-+30PP. However her junior was getting only Rs.2825/-. It was only to redress the grievance of seniors, Rule 5(2) of the Tamil Nadu Revised Scales of Pay, 1998 was introduced. The said rule provides for stepping up of scale of pay taking into account the pay scale of the junior. Since the respondent was receiving more pay than her junior prior to 01.01.1996, the learned single Judge was correct in allowing the writ petition.

6. We are, therefore, of the view that there is no case made out by the appellants to interfere with the order dated 05.11.2012 in W.P.No.24093 of 2006.

7. The Intra Court appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

gpa

TO

1.The Director of School Education,
Chennai, 600 006.

2. The Chief Educational Officer,
Dharmapuri, Dharmapuri.

+lcc to Mr.C.S.Associates, Advocate SR.No.26617
+lcc to Government Pleader SR.No.27227

W.A No.317 of 2015 &
M.P.Nos.1 & 2 of 2015

GJ(CO)
GN(04/05/2018)



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