

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4909 of 2009

K.Manoharan

... Petitioner

Vs

1.Government of Tamil Nadu
Rep. by Secretary to Government
Education Department
Chennai-600 009

2.The Director of School Education
Chennai-600 006

3.The Chief Educational Officer
Salem.

... Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records in Pro.O.Mu.No.34237/L2/2005 dated 26.5.2005, quash the same and issue consequential directions to the respondents to step up the pay of the petitioner on par with his junior Thiru.M.Swaminathan, as on 27.05.1999 and to disburse consequential monetary benefits with interest.

For Petitioner : Mr.M.Ravi

For Respondents: Mr.K.Karthikeyan,
Govt.Advocate

for R1 to R3.

ORDER

The petitioner was appointed as P.G.Assistant and joined service on 11.09.1981 and said to have passed M.Ed Degree Examination and two incentive increments were sanctioned to the petitioner in the scale of pay of Rs.1160-50-1460-70-1950 with effect from 01.04.1986.

2. According to the petitioner, his junior M.Swaminathan is drawing Rs.9925/- as on 27.05.1999 whereas his pay is Rs.9375/- as on 27.5.1999. This anomaly has to be revised as per Rule 6(2) of the Revised Scales of Pay Rules 1989. The petitioner submitted a representation dated 05.05.2004 to the second respondent enclosing comparative statements for rectification of stepping up of pay on par with his junior.

3. The second respondent, by Pro.O.Mu.No.34237/L2/2005 dated 26.05.2005, has informed that as on 01.01.1989, the petitioner has been drawing lesser pay than his junior and therefore, the anomaly cannot be rectified. Aggrieved by the same, the petitioner submitted an appeal dated 15.06.2005, 18.06.2006 and 10.12.2007 to the first respondent/Government and no order has been passed thereon till date and hence, the present writ petition is filed seeking direction to the respondents to step up the pay of the petitioner on par with his junior.

4. When the matter is taken up for hearing, the learned Government Advocate, on instructions has submitted that the petitioner's appeal is still pending with the Government.

5. In the light of the above submission of the learned Government Advocate, the first respondent is directed to dispose of the appeal dated 15.06.2005 of the petitioner on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to send a copy of the said appeal along with a copy of this order to the first respondent, within one week from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Education Department,
Chennai-600 009.

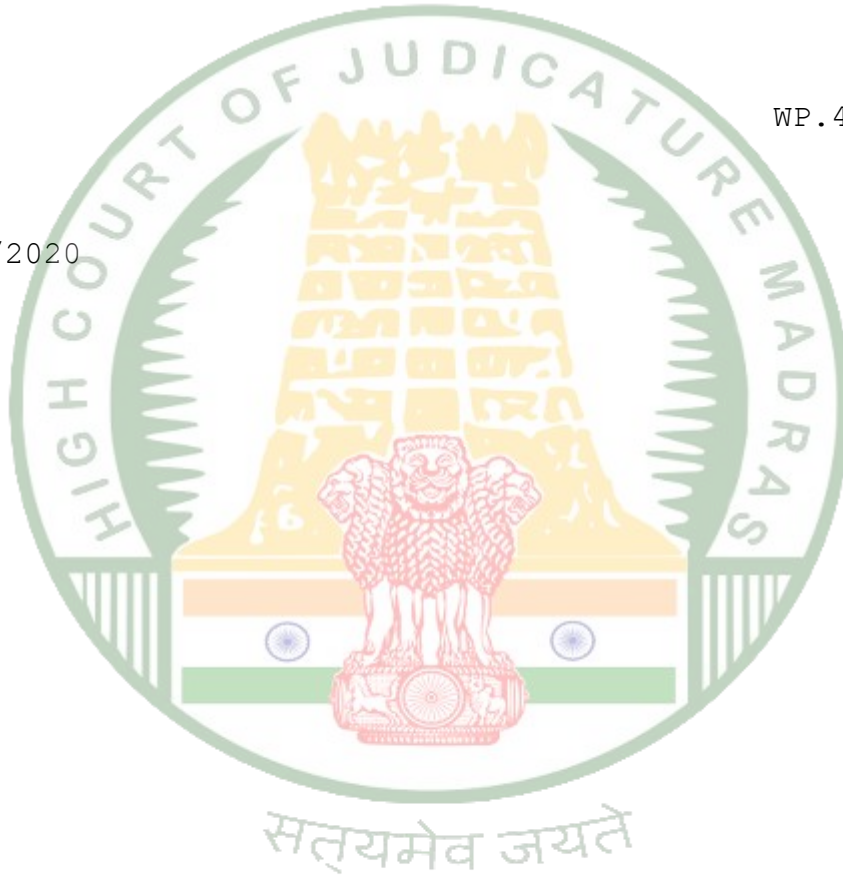
2.The Director of School Education,
Chennai-600 006.

3.The Chief Educational Officer,
Salem.

+lcc to Mr.M.Ravi, Advocate Sr.92603
+lcc to the Government Pleader Sr.93072

WP.4909 of 2009

br[co]
srg 31/01/2020



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