



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **28.02.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.3887 of 2018

WEB COPY
M.Chitra

... Petitioner

Vs.

1.The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Sivagangai District.

2.The Assistant Elementary Education Officer,
Office of the Assistant Elementary Education Officer,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent No.2 to step up the salary of the petitioner with consequential benefits on par with the junior employee Mrs.R.Umamaheswari who is working as Headmistress Panchayat Union Elementary School, Kandagipatti Village, Sivagangai Taluk, Sivagangai District in the light of Pay Commission reports dated 01.01.1996, 01.01.2006 and 01.01.2016 within the time stipulated by this Court.

For Petitioner : Mr.L.Pinaygash

For Respondents : Mrs.S.Srimathy,

Special Government Pleader

ORDER

Praying for a direction to the respondents, to grant pay parity that of petitioner's junior, in the light of the Pay Commission Reports dated 01.01.1996, 01.01.2006 and 01.01.2016, this writ petition has been filed.

2.The petitioner, drawing the attention of the authorities that her junior is getting more pay than her, requested the authorities to step up her pay on par with her junior by resolving the pay anomaly, on the basis of the Pay Commission reports. Since, nothing has come forth, the petitioner is before this Court.

3.Upon notice, the respondents have filed a counter affidavit, which denies the claim of the petitioner and the relevant portion of the counter affidavit, reads as follows:

"7.I submit that though such rectification clause is available in the Pay Commission, it is only available for the employees who have been appointed and till date



working in the same unit. The employees who are working in different units cannot be entitled for the said benefit of rectification. Here in the case on hand, the initial appointment of the petitioner was made in Loyola Primary School, Ariyandipuram, Elayangudi, which is an Government aided School. Panchayat Union Schools are coming under the other unit. Per contra, the said Umamaheswari was initially appointed in Sivagangai Panchayat Union Primary School, Sivagangai Taluk. Hence, the date of initial appointment of the petitioner and the said Umamaheswari are made in different unit. Though they are working as Head Mistress in same units, the initial appointments are in two different units. Hence, the petitioner is not at all eligible for the payment of equal salary with said Umamaheswari. In this regard, the Director of Elementary Education has already issued a clarification by his proceedings in Na.Ka.No.16907/E1/2016 dated 11.08.2016. The copy of the said proceedings has annexed along with the affidavit. This Hon'ble Court may take note of the same as part and parcel of this Counter affidavit. Since there is no merit involved in this writ petitio, the same deserves to be dismissed."

4.The learned Counsel for the petitioner has strongly refuted the above stand taken by the respondents.

5.Under such circumstances, the respondents are directed to consider the claim of the petitioner, on merits and in accordance with law and pass appropriate orders, after affording opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Sivagangai District.



2.The Assistant Elementary Education Officer,
Office of the Assistant Elementary Education Officer,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-51037[F] dated 01/03/2019)

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DSK

ORDER MADE IN
WP (MD) No.3887 of 2018
28.02.2019

KM/ (11.04.2019) 3P 4C