



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:26.04.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P(MD)Nos.997 and 998 of 2018
and
W.M.P. (MD)Nos.1036 and 1037 of 2018

W.P. (MD)No.997 of 2018

J.Jones Thilaga Rajakumari

... Petitioner

vs.

1. The District Elementary Educational Officer,
Tuticorin.

2. The Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.

3. The Secretary,
Hindu Middle School,
Alwarthoppu West,
Srivaikundam Union,
Tuticorin District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second Respondent in his Proceedings in A.Thi. Mu.A1/1177/17, dated 15.12.17 and quash the same and direct the respondents to step up of the scale of pay of the petitioner with effect from the date on which her junior was given higher scale of pay with all the consequential benefits.

W.P. (MD)No.998 of 2018

S.Jeyanthi

... Petitioner

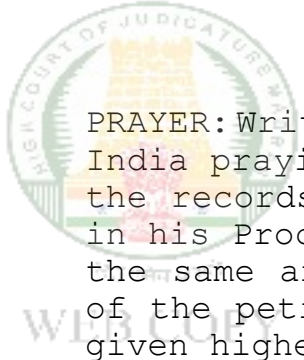
vs.

1. The District Elementary Educational Officer,
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3. The Secretary,
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... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second Respondent in his Proceedings in A.Thi. Mu.A1/1177/17, dated 15.12.17 and quash the same and direct the respondents to step up of the scale of pay of the petitioner with effect from the date on which her junior was given higher scale of pay with all the consequential benefits.

For Petitioner
in both cases : Mr.V.Panneer Selvam
For Respondents
in both cases : Mrs.S.Srimathy
Special Government Pleader

COMMON ORDER

Both the Writ Petitions are filed seeking for issuance of Certiorarified Mandamus calling for the records pertaining to the order passed by the second Respondent in his Proceedings in A.Thi. Mu.A1/1177/17, dated 15.12.17 and quash the same and direct the respondents to step up of the scale of pay of the petitioners with effect from the date on which their junior was given higher scale of pay with all the consequential benefits.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the Petitioners is that the petitioners were appointed as Secondary Grade Teachers on 11.09.1989 and 21.08.1992 respectively and after completion of 10 years of service, they were awarded selection grade in the year 1999 and 2002 respectively. Now, the petitioners are continuing as B.T. Assistant and they received two sets of incentive increment for higher qualification. The grievance of the petitioners is that one S.Umadevi, who is junior than the petitioners is drawing more pay than the petitioners after the implementation of 8th pay commission. Hence, to rectify the pay anomaly, the Petitioners have come forward with these Writ Petitions for the relief stated supra.

4. The learned counsel for the Petitioners sought to quash the impugned order, relying on the earlier order of this Court in W.P (MD) No.742 of 2018, dated 7.2.2018, wherein, this Court decided the issue involved herein.

5. The said submission has not been objected to by the learned Special Government Pleader appearing for the respondents.

6. This Court, on the same set of facts and circumstances, in W.P (MD) No.742 of 2018, dated 7.2.2018, at Paragraph 5, has held as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

5. The first respondent has proceeded on the footing that since the Petitioner got transferred from



Pudukkottai to Kayathar Union, it is not possible to set right the pay anomaly. The reason assigned by the first respondent in the impugned order is un-sustainable in law. Even though the Writ Petitioner came to Kayathar Union by way of transfer and has to be placed at the bottom of the seniority list, the fact remains that the Shanthi got appointment order as Secondary Grade Teacher at Kayathar Union only later in point of time. Therefore, by no stretch of imagination, the said Shanthi could have stolen a march over the Petitioner. The order impugned in this Writ Petition is quashed. The respondents are directed to set right the pay anomaly and step up the pay of the petitioner on par with said Shanthi. Such an order shall be issued by the respondents within a period of eight weeks.''

7. Following the above said order, which holds good to the Petitioners herein, the impugned order passed by the second respondent in A.Thi. Mu.A1/1177/17, dated 15.12.17 is quashed and the matter is remitted back to the second respondent for passing appropriate orders afresh, in the light of the orders referred to above. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, both the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Tuticorin.
2. The Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.

+2 CC to Mr.V.PANNEER SELVAM, Advocate SR-63253,63254
+1 CC to SPL GP (SR-64063[F] dated 29/04/2019)

W.P(MD)Nos.997 and 998 of 2018
and

W.M.P.(MD)Nos.1036 and 1037 of 2018
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