



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.6358 of 2019
and
WMP(MD)No.5077 of 2019

Manimegalai ... Petitioner
Vs.

- 1.The District Educational Officer,
Madurai Educational District,
Madurai District.
 - 2.The Block Educational Officer,
(Formerly known as Assistant Elementary
Educational Officer),
Usilampatti Union,
Usilampatti Educational District,
Madurai District.
- ... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order in Na.Ka.No.4117/Aa3/2016 dated 21.09.2016 passed by the first respondent and quash the same as illegal and consequently direct the first and second respondents to re-fix the petitioner's salary as on 01.01.2011 on par with junior Smt.R.Santhi and to grant all other benefits therefrom, on the basis of the petitioner's representation dated 13.08.2016.

For Petitioner :Mr.P.M.Vishnuvarthanan

For R1 & R2 :Mrs.S.Srimathy
Special Government Pleader

O R D E R

This writ petition has been filed praying to quash the order in Na.Ka.No.4117/Aa3/2016 dated 21.09.2016 passed by the first respondent and consequently, to direct the respondents 1 and 2 to re-fix the petitioner's salary as on 01.01.2011, on the basis of her representation dated 13.08.2016.

2.The short facts, which are required to be noticed for the disposal of this writ petition, are as follows:-



(i) The petitioner was appointed as a Secondary Grade Teacher on 13.07.1988 in the Panchayat Union Primary School, Pattur, Kottampatti Union, Madurai District and thereafter, she was transferred to Panchayat Union Primary School, Puthur, Usilampatti vide the proceedings dated 28.10.1988. Subsequently, she was promoted as Head Master with effect from 04.07.1994.

(ii) The petitioner, by comparing with one junior by name R.Santhi, who was promoted subsequent to the petitioner on 18.07.1994 and by stating that she is getting more pay than her, made a representation dated 13.08.2016 to the respondents to step up her pay along with or on par with her junior, who is getting higher pay.

(iii) The said representation of the petitioner was duly received by the respondents, however, no action has been taken till date. Hence, the petitioner is before this Court.

3. Heard the learned Counsel on either side.

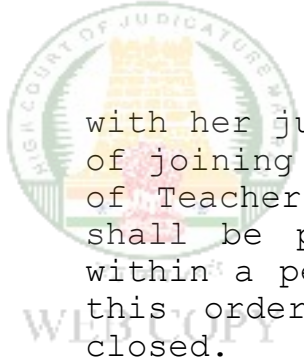
4. Both the learned Counsel would submit that the issue raised in this writ petition is covered by a number of decisions already settled in this regard. In those cases, the similar reason given by the respective authorities for rejecting the pay parity had been found to be unlawful and unjustifiable and accordingly, the reliefs were given to the individual employees.

5. The learned Counsel for the petitioner submitted that following the earlier decisions of this Court in W.P(MD).No.742 of 2018 dated 07.02.2018 in the case of **K.Vijayarani Vs. The District Elementary Educational Officer, Thoothukudi and another** and in WP (MD)No.8046 of 2018, this Court, in W.P(MD).No.24551 of 2018, passed orders. The relevant portion of the order is extracted as under:

"8. In view of the above said orders, it is clear that the issue raised in this writ petition is covered by the number of decisions, as the reason given in the impugned order was no more being a valid one and therefore, on that ground, this impugned order is liable to be quashed and accordingly, the same is quashed.

9. In the result, the first respondent is directed to rectify the pay anomaly in respect of the petitioner and accordingly, step-up his pay on par with his junior, who is getting higher pay irrespective of the place of joining office at the first instance, after selection to the post of Teacher and after calculating the same, the difference of pay shall be paid to the petitioner and the needful shall be done, within a period of six weeks from the date of receipt of a copy of this order."

6. Following the same, this Writ Petition is allowed, directing the respondents 1 and 2 to rectify the pay anomaly in respect of the petitioner and accordingly, step-up her pay on par



with her junior, who is getting higher pay irrespective of the place of joining office at the first instance, after selection to the post of Teacher and after calculating the same, the difference of pay shall be paid to the petitioner and the needful shall be done, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, WMP(MD)No.5077 of 2019 is closed.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar(CS)

To

- 1.The District Educational Officer,
Madurai Educational District,
Madurai District.
- 2.The Block Educational Officer,
(Formerly known as Assistant Elementary
Educational Officer),
Usilampatti Union,
Usilampatti Educational District,
Madurai District.

+1cc to Mr.P.M.Vishnuvarthanan, Advocate, SR.No.63104

+1cc to M/s.Special Government Pleader,SR.No.62952

W.P(MD)No.6358 of 2019

25.04.2019

MJ

KK/SAR/16.05.2019/ 3P- 5C

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