



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.10903 of 2015

and

M.P(MD)No.1 of 2015

K.Jeyaraman

... Petitioner

Vs

- 1.The Secretary to Government
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 2.The Secretary to Government
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 3.The Director of Elementary School Education,
Office of the Director of Elementary School Education,
Chennai-600 006.
- 4.The District Elementary School Education,
Office of the District Elementary School Education,
Theni District.
- 5.The Assistant Elementary School Education,
Office of the Assistant Elementary School Education,
Periyakulam, Theni.
- 6.The Secretary,
Edward Memorial Middle School,
Periyakulam, Theni District.

7.Smt.T.Vaideki

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 6 herein to rectify the pay anomaly



between the petitioner and 7th respondent and fix the petitioner's pay on par with 7th respondent on and from 1.1.2006.

For Petitioner : Mr.K.Appadurai
For R1 to R5 : Mrs.S.Srimathy
Special Government Pleader
For R6 & R7 : No appearance

ORDER

The grievance of the writ petitioner is that the seventh respondent, who is working as Secondary Grade Teacher, junior to the writ petitioner is getting higher salary than that of the writ petitioner. In other words, the writ petitioner seeks stepping up of his pay on par with his junior/7th respondent.

2.The very comparative statement submitted by the writ petitioner, which is enclosed in page No.8 of the typed set of papers reveals that the writ petitioner was appointed as Physical Education Teacher and the seventh respondent Smt.T.Vaideki was appointed as Secondary Grade Teacher. When the posts are not one and the same, then the stepping up of pay cannot be granted at all. For the purpose of granting stepping up of pay on par with his junior, the employee must show that in all response, the junior was appointed in the same category and in the same scale of pay. When the writ petitioner was appointed as Physical Education Teacher and the 7th respondent was appointed as Secondary Grade Teacher, the writ petitioner cannot compare the scale of pay of the 7th respondent for the purpose of stepping up of pay. Thus, the very claim set out in the writ petition is untenable. However, the pay as applicable is to be granted with reference to the pay rules and in accordance with the Government Order in force.

3. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

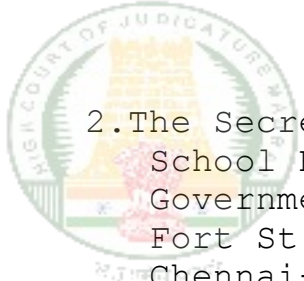
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Sub Assistant Registrar(CS)

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To

1.The Secretary to Government
Finance (Pay Cell) Department,
Secretariat, Tamil Nadu,
Fort St. George,
Chennai-600 009.



2.The Secretary to Government
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

3.The Director of Elementary School Education,
Office of the Director of Elementary School Education,
Chennai-600 006.

4.The District Elementary School Education,
Office of the District Elementary School Education,
Theni District.

5.The Assistant Elementary School Education,
Office of the Assistant Elementary School Education,
Periyakulam, Theni.

+1CC TO M/S.K.APPADURAI, ADVOCATE, SR.NO. 72561

+1CC TO M/S. SPECIAL GOVERNMENT PLEADER, SR.NO.72745

W.P(MD)No.10903 of 2015

01.07.2019

BUC(10.07.2019) 3P 8C