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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:23.04.2019
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P(MD)No.11427 of 2015

K.Balasubramani ... Petitioner

vs.

1.The District Elementary Educational Officer,
Karur District.

2.The Assistant Elementary Educational Officer,
K.Paramathi,
Karur 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 first Respondent in his Proceedings in O. Mu. No. 3592/A4/14, dated 27.02.2015 and quash the same and direct the respondents to step up the scale of pay of the petitioner with effect from 01.12.2011, the date on which his junior was given higher scale of pay and consequent fixation thereof in all levels and confer all the consequential benefits.

For Petitioner :Mr.V.Panneer Selvam

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The Writ Petition is filed seeking to quash the order passed by the first Respondent in his Proceedings in O. Mu. No. 3592/A4/14, dated 27.02.2015 and direct the respondents to step up the scale of pay with effect from 01.12.2011, the date on which his junior was given higher scale of pay and consequent fixation thereof and confer 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 Petitioner is that the Petitioner was initially appointed as Secondary Grade Teacher on 07.12.1990 at Thirumanoor Panchayat Union, Trichy District and after several promotions, now the Petitioner is working as Middle School Head Master on 29.06.2012 and rendering his unblemished service for the past 7 years in the said post. According to the Petitioner, he joined the School Education Department on 07.12.1990 and one Ms.K.Mehala, who joined the service on 17.06.1991 junior to the Petitioner, is drawing more pay than the Petitioner. Hence to rectify the pay anomaly, the Petitioner has come forward with this Writ Petition for the relief stated supra.

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4.The learned counsel for the Petitioner 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:

> *''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 Petitioner herein, impugned order passed by the first respondent in O. Mu. No. 3592/A4/14, dated 27.02.2015 is quashed and the matter is remitted back to the first 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, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To
1.The District Elementary Educational Officer,
Karur District.

2.The Assistant Elementary Educational Officer,
K.Paramathi,
Karur District.

+1cc to Mr.V.PANNEER SELVAM, Advocate, SR.No.62300
+1cc to M/s.Special Government Pleader,SR.No.62725

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