



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.25422 of 2018

P.Thiyagarajan

... Petitioner

vs.

1. The District Educational Officer,
Nagercoil Educational District,
Kanyakumari District.

2. The Block Educational Officer,
Nagercoil Union,
Nagercoil Educational District,
Kanyakumari District,
Formerly known as
Additional Assistant Elementary Educational Officer,
Nagercoil Union,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 31.10.2018 to re-fix his scale of pay in par with junior viz. Smt.C.Mary Alagammal from 01.07.2017 in the light of the proceedings of the 1st respondent re-fixing the salary of Mr.Shibu and Mrs.Helenmary.

For Petitioner : Mr.P.M.Vishnuvarthanan

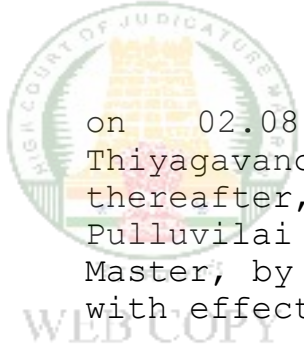
For Respondents : Mrs.S.Srimathy
Special Government PleaderORDER

This writ petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 31.10.2018 to re-fix his scale of pay on par with his junior viz. C.Mary Alagammal from 01.07.2017.

2.The facts of the case, in brief, are as follows:

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

(i)The petitioner was appointed as a Secondary Grade Teacher



on 02.08.1995 in the Panchayat Union Primary School, Thiyaagavancheri, Nainarkovil Union, Ramanthapuram District and thereafter, he was transferred to Government Primary School, Pulluvilai on 03.09.1996. Subsequently, he was promoted as Head Master, by the proceedings of the first respondent dated 29.05.2013, with effect from 01.06.2013.

(ii)The petitioner, by comparing with one junior by name C.Mary Alagammal, who was promoted subsequent to the petitioner on 01.06.2017 and by stating that she is getting more pay than him, made a representation dated 31.10.2018 to the respondents to step up his pay along with or on par with his 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.

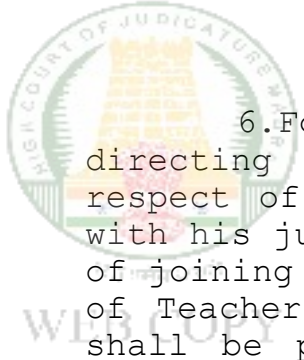
3.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.

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 appearing for the petitioner further submitted that following the earlier decisions of this Court in W.P (MD).No.742 of 2018 dated 07.02.2018 [K.Vijayarani Vs. The District Elementary Educational Officer, Thoothukudi and another] and in WP (MD)No.8046 of 2018 [A.John peter Vs. The District Elementary Educational Officer, Sivagangai District], this Court has passed orders in W.P(MD).No.24551 of 2018 dated 19.02.2018, which reads as follows:

"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 first respondent 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. No costs.

sd/
Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The District Educational Officer,
Nagercoil Educational District,
Kanyakumari District.

2. The Block Educational Officer,
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Nagercoil Educational District,
Kanyakumari District,
Formerly known as
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Kanyakumari District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 56262

mj
AE/22.04.2019/3P/4C

W.P(MD) No.25422 of 2018
21.03.2019(1/2)