



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:26.03.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD)No.15548 of 2016

K.Pushparaj Xavier

... Petitioner

vs.

1. The Director of Elementary Education,
College Road, Chennai - 6.
2. The District Elementary Educational Officer,
Dindigul, Dindigul District.
3. The Assistant Elementary Educational Officer,
Assistant Elementary Educational Office,
Sanarpatti, Dindigul District.

4. M.Anbu Kulanthai Raj

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to step up the pay of the petitioner equivalent to the fourth respondent from the date when the fourth respondent started drawing higher pay than the petitioner herein on the basis of the representation of the petitioner dated 25.06.2016 and to pay arrears and revise the pension of the petitioner accordingly with all other benefits.

For Petitioner	: Mr.B.Saravanan
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader
	for R1 to R3
	: No Appearance for R4

ORDER

The Writ Petition has been filed seeking a direction to the respondents to step up the pay of the petitioner equivalent to the fourth respondent from the date when the fourth respondent started drawing higher pay than the petitioner herein, on the basis of the representation of the petitioner dated 25.06.2016 and to pay arrears and revise the pension of the petitioner accordingly with all other benefits.

2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.



3. The case of the petitioner is the he was appointed as a Secondary Grade Teacher on 29.11.1983 and after subsequent promotions, he retired from service on 31.12.2014 as BT Headmaster. It is the further case of the petitioner that the fourth respondent is junior to him and after 6th pay commission, he was paid increment at the higher rate than the increment paid to the petitioner and subsequently, it was clarified by the proceedings of the Principal Secretary to Government in Letter No.45113/Pay Cell/2009-1, dated 17.08.2009. Therefore, the respondents ought to have stepped up the petitioner's pay to the pay equivalent to the fourth respondent, who admittedly his junior. In this regard, he has made a representation dated 25.06.2016 to the respondents to step up his pay equivalent to the pay of the fourth respondent. Since the same has not been considered so far, the present Writ Petition has been filed by the petitioner.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the representation of the petitioner would be considered on merits and in accordance with law within a time frame as fixed by this Court.

5. Considering the nature of the prayer as sought for by the petitioner, without going into the merits of the petitioner's case, the respondents are directed to consider the representation of the petitioner dated 25.06.2016 seeking to step up his pay equivalent to the pay of the fourth respondent and pass appropriate orders on merits and in accordance with law and also taking into account the the proceedings of the Principal Secretary to Government in Letter No.45113/Pay Cell/2009-1, dated 17.08.2009, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above direction. No costs.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Chennai - 6.
2. The District Elementary Educational Officer,
Dindigul, Dindigul District.
3. The Assistant Elementary Educational Officer,
Assistant Elementary Educational Office,
Sanaipatti, Dindigul District.



+1 CC to Mr.B.SARAVANAN, Advocate (SR-56777[F] dated 27/03/2019)
+1 CC to SPL GP (SR-57226[F] dated 27/03/2019)

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