



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.12838 of 2014

and

M.P. (MD).No.1 of 2014

WEB COPY

M.Kiruthubeer

... Petitioner

Vs.

1.The Registrar General,
High Court,
Madras.

2.The Registrar,
Administration,
Madurai Bench of Madras High Court,
Madurai.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari of Mandamus, call for the records made in impugned order in R.O.C.No.852/2008/C4/MB, dated 15.07.2013 passed by the 2nd respondent, quash the same and further direct the respondents to give stepped up pay and consequential all attendant benefits to the petitioners as per the recommendation of the learned District Judge, Tanjore in proceedings in R.O.C.No.45/2003 RA. Dated 22.10.2003.

For Petitioner : Mr.M.V.Venkateseshan

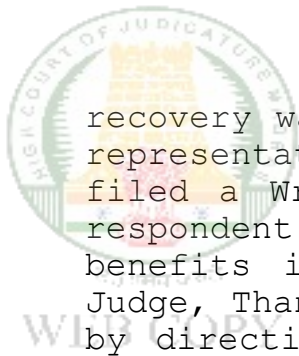
For R1 and R2 : Mr.K.Samidurai

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.V.Venkateseshan, learned counsel appearing for the petitioner and Mr.K.Samidurai, learned Government Advocate appearing for the respondents.

2.This writ petition has been filed challenging the order passed by the second respondent dated 15.07.2013, by which the request made by the petitioner to refix his pay on par with Tmt.S.Jahitha Begum and step up the same was rejected. It may not be necessary for this Court to refer to all the earlier proceedings and suffice to note that at the first instance in the year 2003 by proceedings of the then Principle District Judge, Thanjavur dated 22.10.2003 the petitioner's pay was stepped up. Subsequently, it appears in the administrative forum that such stepping up of pay was not sustainable and accordingly, the decision was reverted and



recovery was ordered. At this juncture, the petitioner gave further representation and the said representation was kept on pending. He filed a Writ Petition in W.P.(MD).No.12665 of 2011 to direct the respondent to step up his pay and sanction all consequential benefits in terms of the order passed by the Principle District Judge, Thanjavur dated 22.10.2003. The writ petition was disposed of by directing the second respondent herein to give a reply to the petitioner. Accordingly, the second respondent called for a report from the Principle District Judge, who submitted a report on 27.06.2013 setting out the reason as to why stepping up of pay cannot be done by placing reliance on the report and the request made by the petitioner was rejected.

3.The fundamental error committed by the petitioner is to equal himself with that of Tmt.S.Jahitha Begum. The petitioner could not compare himself with her for two reasons. Firstly, Tmt.S.Jahitha Begum was initially appointed as Copyist on 14.09.1972 and her pay was fixed at Rs.200/- in the scale of 200-5-250-10-300, on 28.06.1981. The petitioner was initially appointed as Junior Assistant on 28.06.1981 and his pay was fixed at Rs.350-10-420-15-600. As rightly pointed out by the respondent, the petitioner can invoke the Fundamental Rules 22, as it is not the case where the junior of the petitioner was drawing higher pay. Furthermore, the petitioner and the said Shajitha Begum have entered into service in different categories with different scale of pay, different mode of promotion and on that basis, the petitioner cannot claim parity in the cadre of Superintendent to receive equal pay or to fix pay on par with his juniors.

4.In the light of the above, in our considered opinion we find that there is no error in the order passed by the respondents which was based upon the report given by the Principle District Judge, Thanjavur which was placed before the High Court and upon approval with the same, his claim has been rejected. Therefore, we find no grounds to interfere with the impugned order. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Registrar General,
High Court,
Madras.

2.The Registrar,
Administration,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. V. VENKATASESHAN, Advocate (SR-85464[F] dated
05/09/2019)

Ns

W.P. (MD) .No.12838 of 2014
and
M.P. (MD) .No.1 of 2014
04.09.2019

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