



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 12805 of 2021

P. Rajasekarapandian

..Petitioner

Vs

1.The Joint Director of School Education (Higher Secondary),
DPI Campus, College Road,
Chennai -9.

2.The Chief Educational Officer,
Trichy, Trichy District.

3.The District Educational Officer,
Trichy District.

4.The Head Master,
Government Higher Secondary School,
Ettarai-639 103, Trichy District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to step up the scale of pay of the petitioner on par with that of her junior Mrs.Hemalatha as per the Rule 5(2) of the Revised Scale of Pay Rules, 1996 and consequently revise the pay and confer all the monetary benefits to the petitioner by considering the representation dated 26.02.2020.

For Petitioner : Mr.P.Ganesan
For Respondents : Mr.C.Kathiravan
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the first respondent to step up the scale of pay of the petitioner on par with that of her junior Mrs.Hemalatha as per Rule 5(2) of the Revised Scale of Pay Rules, 1996 and consequently revise the pay and confer all the monetary benefits to the petitioner by considering the representation dated 26.02.2020.



2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Assistant at Government High School, Pudukkottai District on 30.06.1988. Subsequently, he was promoted as B.T. Assistant (English) on 30.01.2006 and posted at Government High School, Aranthanki, Pudukkottai. Thereafter, he was given one set of incentive increment under the Incentive Increment Scheme. He has been working as B.T. Assistant (English) and one Mrs. Hemalatha who was also working as B.T. Assistant in High School but was drawing lesser scale of pay. The petitioner acquired M.A., B.Ed., degree for which one set of incentive increment was given to the petitioner. The petitioner's grievance is that his junior is now getting more pay than petitioner. The petitioner made a representation to the first respondent requesting to step up the petitioner's scale of pay on par with that of his junior, as on 28.01.2007, as per Rule 5(2) of the Revised Scale of Pay Rules, 1996 and confer all the monetary benefits. Since the said representation did not yield any result, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the first respondent to consider the petitioner's representation dated 26.02.2020 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the first respondent to consider the petitioner's representation dated 26.02.2020 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Joint Director of School Education (Higher Secondary),
DPI Campus, College Road,
Chennai -9.



2.The Chief Educational Officer,
Trichy, Trichy District.

3.The District Educational Officer,
Trichy District.

4.The Head Master,
Government Higher Secondary School,
Ettarai-639 103, Trichy District.

+1 cc to Government Pleader Sr.No. 28445

W.P.No. 12805 of 2021

GSM(CO)

B.VC(15.07.2021)