



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20712 of 2021

and

W.M.P.No.21970 of 2021

(Through Video Conferencing)

1.R.Sekar
2.A.Madalaimuthu
3.G.Sekar
4.J.D.Saravanan
5.G.Ranjani
6.R.Murali
7.V.Thangarasu
8.S.Brundadevi

... Petitioners

Vs

1.The Principal Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.

2.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

3.The Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 10.11.2017 and accordingly set right the anomaly between the pay scales of P.G.Assistants and B.T.Assistants by increasing the pay of the P.G.Assistants so that the P.G.Assistants continue to draw a higher pay than the B.T.Assistants with incentive increment.

For Petitioners : Ms.Dakshayani Reddy

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

2. The petitioners had earlier filed W.P.No.359 of 2018 through their association. The aforesaid writ petition was dismissed giving liberty to the individuals to file separate writ petitions. Under these circumstances, the petitioners have now approached this Court by way of present writ petition.

3. It is the case of the petitioners that there is a pay anomaly. It is submitted that the pay of a P.G.Assistant is Rs.36,900/- whereas the pay of a B.T.Assistant is Rs.36,400/- without incentive increments.

4. It is further case of the petitioners that a B.T.Assistant who acquire higher qualification get an incentive increment of Rs.2,200/- and hence gets a gross salary of Rs.38,600/-. (Rs.36,400/- + Rs.2,200/-) Whereas, a P.G.Assistant with higher qualification get only Rs.36,900/- which is lower than the gross amount paid to the B.T.Assistant and thus there is a pay anomaly.

5. Opposing the submission of the learned counsel for the petitioners, the learned Government Advocate for the respondents submits that Government has addressed the issue arising out of pay anomaly and rectified by issuing Government Orders and therefore this Writ Petition is devoid of merits.

6. Prima facie, it appears that the petitioners have made out a case as a person with similar qualification though serving as a B.T.Assistant appears to be getting higher Take-Home Salary than the petitioners who are serving as P.G.Assistants (Teaching Class XI and XII) in the Higher Secondary Education.

7. The petitioners have given their representation dated 13.07.2021 which is enclosed at Page Nos.60 A to 60 D to the typed set of papers filed in support of the petitioners. Considering the fact that the aforesaid representation is pending though does not bear any acknowledgment, this writ petition is disposed by directing the respondents to consider the aforesaid representation of the petitioners and dispose the same within a period of twelve weeks from the date of receipt of a copy of this order in accordance with law and on merits.

8. The petitioners may additionally also serve a copy of their representation dated 13.07.2021 along with a fresh representation if any. The petitioners may give such representation within a period of fifteen days from the date of receipt of a copy of this order. Indeed, if there is a pay anomaly arising out the incentive increments being given to B.T Assistants, the representation of the petitioners may be decided suitably within a period of three months thereafter.



9. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Principal Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.
- 2.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
- 3.The Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.

+1 C.C. To M/S.DAKSHAYANI REDDY, ADVOCATE SR.NO.50402/2021
+1 C.C. TO GOVERNMENT PLEADER, SR.NO. 50892/2021

W.P.No.20712 of 2021

and
W.M.P.No.21970 of 2021

VSN11(CO)
DV(20/10/2021)