

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28659 of 2017

V.Tamilmani ... Petitioner

Vs.

1.District Elementary Educational Officer,
Dharmapuri,
Dharmapuri District.

2.Assistant Elementary Educational Officer,
Pappireddipatti,
Dharmapuri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in his proceedings Mu.Mu.No.572/A5/2017 dated 09.05.2017 and quash the same and direct the respondents to step up the pay of the petitioner on par with that of her junior K.Pazhanisamy and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates
For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking to quash the order dated 09.05.2017 passed by the first respondent and to direct the respondents to step up her pay on par with her junior K.Pazhanisamy and for consequential benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner is senior to one K.Pazhanisamy who is working in the same Panchayat Union. When pay anomaly was pointed out, the same was not considered by the respondents and the petitioner's claim was rejected by the impugned order. The learned counsel further submitted that similar issue was already considered by this Court in W.P.Nos.3698 to 3700 of 2007 on 18.06.2012. He also drawn the attention of this Court to the proceedings of the District Elementary Educational Officer, Dharmapuri District dated 01.09.2015 and 07.09.2015 passed in favour of similarly placed persons

3.The learned counsel appearing for the petitioner further submitted that the Madurai Bench of this Court has also considered the claim of the similarly placed person in W.P.(MD) No.742 of 2018 on 07.02.2018 and also drawn the attention of this Court to the

proceedings of the District Educational Officer, Kovilpatti, dated 28.06.2018 passed in favour of the petitioner in W.P.(MD) No.742 of 2018.

4.The learned Additional Government Pleader appearing for the respondents submitted that the Government has issued orders in G.O.Ms.No.25, Personnel and Administrative Reforms Department, dated 23.03.2015 imposing certain conditions for fixation of pay on par with the junior and further submitted that the petitioner has not fulfilled the said conditions.

5.Heard both sides and perused the materials available on record.

6.It is useful to extract hereunder the order of the Madurai Bench of this Court dated 07.02.2018 in W.P.(MD) No.742 of 2018:

"4. The learned counsel appearing for the petitioner drew the attention of this Court to the proceedings dated 25.05.2017, issued by the District Elementary Educational Officer, Tuticorin whereby, a similar pay anomaly in the case of one Mrs.Rani was set right. The petitioner's case is identical. However, the first

respondent declined to accept the request of the petitioner.

5.The first respondent has proceeded on the footing that since the petitioner got transferred from Pudukkottai to Kayathar Union, it is not possible to set right the pay anomaly. The reason assigned by the first respondent in the impugned order is unsustainable in law. Even though the writ petitioner came to Kayathar Union by way of transfer and has to be placed at the bottom of the seniority list, the fact remains that the Shanthi got appointment as Secondary Grade Teacher at Kayatharu Union only later in point of time. Therefore, by no stretch of imagination the said Shanthi could have stolen a march over the petitioner. The order impugned in this writ petition is quashed. The respondents are directed to set right the pay anomaly and step-up the pay of the petitioner on par with said Shanthi. Such an order shall be issued by the respondents within a period of eight weeks."

7.In view of the above, the impugned order dated 09.05.2017 is set aside and the matter is remanded back to the respondents for fresh consideration and for passing appropriate orders in the light of

the order of the Madurai Bench of this Court dated 07.02.2018 in W.P.(MD) No.742 of 2018 as well as the proceedings of the District Educational Officer, Kovilpatti, dated 28.06.2018. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of.

No costs.

22.03.2021

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The District Elementary Educational Officer,
Dharmapuri,
Dharmapuri District.

2. The Assistant Elementary Educational Officer,
Pappireddipatti,
Dharmapuri District.

WEB COPY

W.P.No.28659 of 2017

R.MAHADEVAN,J.
pri



W.P.No.28659 of 2017

WEB COPY

22.03.2021