



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.10158 of 2015

M.Mohammed Abdullah

... Petitioner

vs.

1.State of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai - 9.

2.State of Tamil Nadu,
represented by its Principal Secretary,
Department of Finance,
Fort St.George, Chennai - 9.

3.The Director of School Education,
Office of the Director of School Education,
DPI Campus,
College Road, Chennai - 6.

4.The Chief Educational Officer,
Office of Chief Educational Officer,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2939 / A2/2014, dated 10.07.2014, on the file of the Respondent No.4 and to quash the same as illegal and consequently to direct the Respondent No.1 to 3 to provide personal pay to the petitioner by considering the representation, dated 26.12.2014, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.N.Ragavendran

Government Advocate

O R D E R

This petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2939/A2/2014, dated 10.07.2014, on the file of the Respondent No.4 and to quash the same as illegal and consequently to direct the Respondent No.1 to 3 to provide personal pay to the petitioner by considering the representation, dated 26.12.2014, within the time period stipulated by this Court.



2.The petitioner is appointed as a Post Graduate Assistant on 05.02.1992 and promoted as Higher Secondary School Head Master then, transferred as Assistant Project Officer (Sarva Siksha Abhiyan). The petitioner claims that the High School Head Masters are getting Rs.500/- as personal pay and Higher Secondary Head Masters are getting Rs.600/- as personal pay, as per Government Letter No.45113/ Finance Department/ 2009-1, dated 17.08.2009. The Higher Secondary School Head Masters, who were appointed after 31.05.2009, are deprived from getting personal pay. However, as per G.O.Ms.No.23, Finance Department, dated 12.01.2011, the High School Head Masters are provided before and after 01.06.2009 with a personal pay of Rs.750/-. Aggrieved over such disparity, the petitioner has preferred this Writ Petition.

3.The third and fourth respondents have passed the impugned order. Since it is a policy decision of the Government, the fourth respondent may not be in a position to reconcile the pay disparity stated above. The petitioner has circulated a letter, dated 28.08.2020, where it has been stated that a grievance petition was submitted before the Pay Grievance Redressal Committee on 30.12.2019. The Committee has forwarded the letter to the Principal Secretary, School Education Department, vide order, dated 28.08.2020. Therefore, this Court is of the view that the first respondent is the competent authority to address the pay disparity.

4.Therefore, this Court is setting aside the impugned order passed by the fourth respondent, dated 10.07.2014 and directs the first respondent to consider the entire issue and pass an order. The petitioner is directed to submit a representation to the first respondent along with the letter, dated 28.08.2020, issued by the Pay Grievance Redressal Committee. The petitioner shall enclose the order passed by this Court along with the representation. Thereafter, the first respondent shall consider the entire issue and pass an order within twelve weeks from the date of representation.

5.Therefore, the Writ Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Tmg

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Principal Secretary,
Department of School Education,
Fort St.George, Chennai - 9.

2.The Principal Secretary,
Department of Finance,
Fort St.George, Chennai - 9.

3.The Director of School Education,
Office of the Director of School Education,
DPI Campus,
College Road, Chennai - 6.

4.The Chief Educational Officer,
Office of Chief Educational Officer,
Sivagangai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-39451[F] dated
20/12/2021)

+1 CC to M/s.SPL GP (SR-39508[F] dated 20/12/2021)

Order made in
W.P. (MD) No.10158 of 2015

17.12.2021

USK (29.12.2021) 3P 7C