



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. No.851 of 2021

Geetha Lakshmi

... Petitioner

versus

1 Director of Elementary Education,
DPI Campus, Chennai 600 009

2 The District Educational Officer
Thirupattur, Vellore District

3 The Block Educational officer
Thirupattur Block,
Vellore Distirct

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Respondents herein to step up the pay of the petitioner on par with her Junior A. Tamil Selvi from the date on which anomaly arose with all monetary benefits as per the judgment of this Honble Court in W.P.(MD) No.742 of 2018 dated 07.02.2018.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.Abishek Moorthy
Government Advocate

O R D E R

The case of the petitioner is that she was appointed as a Secondary Grade Teacher in Nemili Block, Vellore District, on 07.10.1996. She was transferred to the Thirupattur Block on 05.03.1997. One Tamil Selvi, who is petitioner's junior, was appointed as a Secondary Grade Teacher in K.V.Kuppam Block on 25.07.1997 and she came on transfer to Thirupattur Block on 05.08.1998. On 07.10.2006, the petitioner was granted the selection grade scale of pay. Thereafter, on 18.01.2013, she was promoted as Elementary School Headmaster.



2. In 2017, the petitioner's junior viz., the said Tamil Selvi, was granted special grade pay, and in 2018 she was promoted as Elementary School Headmaster and on such appointment, she started drawing higher pay than the petitioner. The present writ petition has been filed seeking to step-up the pay of the petitioner on par with her junior, Tamil Selvi.

3. Ms.Dakshayini Reddy, learned counsel for the petitioner, would submit that as far as the original date of appointment is concerned, the petitioner is senior to Tamil Selvi and she was appointed on 07.10.2006 itself as Secondary Grade Teacher as against the appointment of Tamil Selvi on 25.07.1997. The only reason that has been given for not considering the claim for stepping-up of pay for the petitioner is that both the petitioner as well as Tamil Selvi were appointed in different blocks and therefore, they cannot claim parity in the pay. According to the learned counsel, the reason was orally conveyed to the petitioner and therefore, the writ petition has been filed with a prayer for issuance of Writ of Mandamus directing the respondents to step-up the pay of the petitioner on par with her junior Tamil Selvi on the date on which the anomaly arose, with all consequential monetary benefits.

4. In response to the notice ordered in the writ petition, Mr.Abishek Moorthy, learned Government Advocate, has entered appearance on behalf of the respondents and a counter-affidavit has been filed. In the counter-affidavit, in paragraph No.9, a comparison statement has also been tabulated wherein the dates of appointment of the petitioner vis-a-vis Tamil Selvi were admitted. But the reason for not considering the claim of the petitioner was that both the petitioner as well as Tamil Selvi were appointed in different blocks and therefore, the petitioner cannot claim parity on the basis of a junior getting more pay than a senior.

5. At this, the learned counsel for the petitioner would submit that the issue whether such parity could be claimed when two employees are posted in different blocks is no more res integra as the same is covered by the decision of a Division Bench of this Court. The learned counsel referred to the order in The Director of Elementary Education, Chennai vs. I.Poongodi (W.A.(MD) No.1220 of 2019), dated 14.11.2019. This Court, in identical circumstances, has held as under in paragraphs 6 and 7:

"6. The only argument put forth before us in this appeal is that the respondent / writ petitioner cannot compare himself to R.Muthu Nesam, because, the respondent / writ petitioner was working in a different



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Panchayat Union and transferred to T.Vadipatti. However, the case of R.Muthu Nesam also is not different. Therefore, the distinction sought to be drawn by the appellants is not sustainable. Further more, there is nothing on record to show that R.Muthu Nesam was drawing higher pay, while he was working in Kadamalai Mayiladumparai, Panchayat Union for the appellants to contend that it is a reason for granting higher pay to R.Muthu Nesam.

7. Therefore, we are of the considered view that the respondent / writ petitioner pay has to be set out over his junior in W.A.(MD)No.1220/2019 T.Vadipatti. Therefore, we find that the direction issued by the learned writ Court calls for no interference. Accordingly, this appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed."

6. The learned counsel for the respondents would have no quarrel with the proposition laid down by the Division Bench and has graciously acknowledged that the claim of the petitioner is fully covered by the ruling of the Division Bench.

7. In view of the admitted position, the writ petition is allowed and the respondents are directed to step-up the pay of the petitioner on par with her junior Tamil Selvi from the date on which the anomaly arose, with all monetary benefits, in terms of the ruling of the Division Bench, as aforementioned. The respondents are directed to pass appropriate orders in this regard within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is allowed accordingly. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1 Director of Elementary Education,
DPI Campus, Chennai 600 009
- 2 The District Educational Officer
Thirupattur, Vellore District
- 3 The Block Educational officer
Thirupattur Block,
Vellore Distirct

+1cc to M/s.Dakshayani Reddy, Advocate, S.R.No.6238

+1cc to the Government Pleader, S.R.No.6905

W.P. No.851 of 2021

SSV(CO)
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