



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2022

CORAM

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

W.P. (MD)No.14146 of 2014

and

M.P. (MD)Nos.1 and 2 of 2014

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K.Ramakrishnan

... Petitioner

vs.

- 1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 2.The Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 3.The District Elementary Education
Officer,
Office of the District Elementary
Education Officer,
Theni District.
- 4.The Additional Assistant Elementary
Education Officer,
The Officer of the Additional Assistant
Elementary Education Officer,
Chinnamanur, Theni District.
- 5.P.Mahadevi
- 6.The Director of Elementary Education,
DPI Campus, Chennai.
- 7.The Joint Director of Elementary Education,
DPI Campus, Chennai.

... Respondents

(R6 and R7 suo moto impleaded by this order)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent in Na.Ka.No.804/A1/2013, dated 24.10.2013 and the consequential impugned order of the third respondent in Na.Ka.No.3178AA5/2013, dated 31.12.2013, to quash the same and consequently to direct the respondents 3 and 4 herein to revise the pay of the petitioner on

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par with his junior the fifth respondent as B.T.Assistant as per Rule 5 of the Tamil Nadu Revised Scales of Pay Rules, 2009.

For Petitioner : Mr.K.Appadurai

For R1 to R4,R6,R7 : Mr.J.K.Jayaselan
Government Advocate (Civil side)

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ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the fourth respondent in Na.Ka.No.804/A1/2013, dated 24.10.2013 and the consequential impugned order of the third respondent in Na.Ka.No.3178AA5/2013, dated 31.12.2013 and consequently to direct the respondents 3 and 4 herein to revise the pay of the petitioner on par with his junior the fifth respondent as B.T. Assistant as per Rule 5 of the Tamil Nadu Revised Scales of Pay Rules, 2009.

2.The petitioner is alleging pay anomaly and he is comparing with his junior Mahadevi, who has been arrayed as fifth respondent. The petitioner is relying on G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009. After some arguments, it was brought to the knowledge of this Court that the Government issued one more Government order, G.O.Ms.No.23, clarifying the G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009.

3.Therefore, this Court deems it fit to remit it back to the authority to consider the petitioner's case in the light of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.23. However, the petitioner has not impleaded the Director of Elementary Education and the Joint Director of Elementary Education. Therefore, this Court suo moto impleaded the Director of Elementary Education and the Joint Director of Elementary Education as respondents Nos. 6 and 7.

4.The Joint Director of Elementary Education is directed to consider the case of the petitioner in the light of G.O.Ms.No.234 and G.O.Ms.No.23 and pass appropriate orders with the consultation of the Director of Elementary Education within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (w)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Secretary to Government,
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Fort St.George, Chennai 600 009.
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- 3.The District Elementary Education
Officer,Office of the District Elementary
Education Officer,
Theni District.
- 4.The Additional Assistant Elementary
Education Officer,
The Officer of the Additional Assistant
Elementary Education Officer,
Chinnamanur, Theni District.
- 5.The Director of Elementary Education,
DPI Campus, Chennai.
- 6.The Joint Director of Elementary Education,
DPI Campus, Chennai.

+1 CC to M/s.K.APPADURAI, Advocate (SR-1203[F] dated 11/01/2022)

+1 CC to M/s.SPL GP (SR-1306[F] dated 11/01/2022)

W.P.(MD)No.14146 of 2014

10.01.2022

MGJ(01.02.2022) 3P 9C