



W.P.(MD).No.5892 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5892 of 2015

and

M.P.(MD).No.2 of 2015

C.N.Muthukaruppan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 006.

2.The Director of Elementary Education,
College Road,
Chennai – 600 006.

3.The District Elementary Educational Officer,
Pudhukottai,
Pudhukottai District.

4.The Assistant Elementary Educational Officer,
Thirumayam,
Pudhukottai District.

5.The Additional Assistant Elementary Educational Officer,
Thirumayam,
Pudhukottai District.

... Respondents



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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 proceedings issued by the fourth respondent Assistant Elementary Educational Officer, Thirumayam Union, Pudhukottai District in O.Mu.No. 191/A2/14 dated 28.07.2014, quash the same and further direct the respondents to rectify the pay anomaly and re-fix the petitioner's pay at least on a par with his junior namely, M.Elango in the light of G.O.Ms.No.320 (Finance (Pay Cell) Department) dated 02.04.1990.

For Petitioner : Mr.P.Muthuvel,
for M/s.Isaac Chambers.

For Respondents : Mr.S.Kameswaran,
Government Advocate,
(Civil Side).

ORDER

This Writ Petition has been filed to quash the impugned order dated 28.07.2014 and further direct the respondents to rectify the pay anomaly and re-fix the petitioner's pay on par with his junior namely, M.Elango in the light of G.O.Ms.No.320 (Finance (Pay Cell) Department) dated 02.04.1990.



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2. The petitioner and his junior namely M.Elango have joined the service in the year 1986 and they have travelled similarly in the service. The petitioner acquired B.Ed., degree in the year 1993 and M.A. degree in the year 1994. The said M.Elango acquired M.A., B.Ed., degree even prior to his appointment. Thereafter, during service period, he has completed M.Phil. in the year 2008. The respondents have granted incentive increment for the petitioner for having qualified in B.Ed., degree on 25.01.1993 and M.A., degree on 25.05.1994. The respondents have granted first incentive increment to the said M.Elango for having qualified in M.A., B.Ed., degree on 27.11.2006 and second incentive increment for M.Phil. on 18.01.2013.

3. It is seen from the records that the said M.Elango has acquired qualification in the year 2008 itself but granted incentive increment only in the year 2013. In the meanwhile, the 6th Pay Commission came into effect in the year 2009. Based on the fitment table, the said junior is getting more pay than that of the petitioner.



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4. Therefore, this Court is of the considered opinion that the respondents shall re-do the entire exercise as per the existing Government Orders. The respondents shall issue notice to the petitioner as well as to the said M.Elango and thereafter revise the incentive increment in accordance to law as per existing Government Order during the period of acquiring the degrees and pass orders. In other words, if the said M.Elango has acquired qualification prior to 1986, then the incentive increment applicable during that period ought to be granted. The respondents shall grant opportunity to both the petitioner and the said M.Elango and thereafter pass orders. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

26.10.2022

Index : Yes / No

Internet : Yes

Nsr



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To

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S.SRIMATHY, J

Nsr

Order made in
W.P.(MD).No.5892 of 2015

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