



W.P.(MD)No.6722 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6722 of 2017

M.Balamurugan

... Petitioner

Vs.

The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent i.e., the Principal Secretary to Government, School Education Department, Chennai relating to Kaditham No. 17668/Nee.Va.2(1)/2015, Dated: 09.02.2017 and quash the same and consequently, direct the respondent i.e., the Principal Secretary to Government, School Education Department, Chennai to refix the pay of the petitioner on par with his Junior Tmt. A.Malarvizhi which she was getting on 03.02.2011 i.e. at the time of her first promotion as Headmaster in Kadaladi Panchayat Union Primary School



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and consequent revision of pay of the petitioner till date within a specified time frame.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned order passed by the Principal Secretary to the Government, dated 09.02.2017 and consequently, direct the respondents to re-fix the petitioner salary on par with his junior Tmt.A.Malarvizhi.

2. The petitioner is alleging the pay anomaly arises because the petitioner's junior has got more pay based on G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011. Under the said Government Order, the Government has awarded Personal Pay of Rs.750/-. Earlier Rs. 500/- was fixed in another letter issued by the Government. In G.O.Ms.No.234, Finance (Pay Cell), dated 01.06.2009, different pay was



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fixed. When the scale of pay was refixed and different payment schedule was fixed under G.O.Ms.No.234, Finance (Pay Cell) dated 01.06.2009, the Government has erred in fixing the same scale of pay for different persons. Moreover, there was a demand by the Elementary Department to pay the additional Personal Pay and each and every time the Government has considered and increased the Personal Pay by issuing G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011, subsequently a clarification circular etc. Even then several discrepancies arose in the pay and the teachers are alleging pay anomaly within a Department. In order to resolve the issue, this Court has already passed an order in W.P.(MD)No.9424 of 2016, dated 07.11.2022

3. Therefore, this Court is remitting the case to the respondent. The respondent shall appoint One Man Commission to resolve decision or any authority namely, Joint Director to resolve this issue. The respondent shall complete the said exercise within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. With the above said observation, this Writ Petition is disposed of. No costs.

08.11.2022

Index : Yes / No
Internet : Yes / No
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To

The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.



WEB COPY



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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.6722 of 2017

08.11.2022