



W.P.No.2672 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.2672 of 2019

K.Malathi

.. Petitioner

VS

1.The District Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

2.The Block Educational officer,
Thiruvannamalai,
Thiruvannamalai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to Aa.Thi.Mu.No.820/A1/2018 dated 23.05.2018 to quash the same and consequently permit the petitioner to resubmit their representation dated 12.02.2018 and further issue direction to the 1st respondent to reconsider the claim of the petitioner's representation dated 12.02.2018 in the light of the judgment passed in WP No. 3698 of 2007 and batch, within a time frame.

For Petitioner : Mr.P.Murali

For Respondents : Mr.R.Neethiperumal
Government Advocate



W.P.No.2672 of 2019

ORDER

WEB COPY

Writ petition has been filed in the nature of a certiorarified mandamus seeking the records relating to Aa.Thi.Mu.No.820/A1/2018 dated 23.05.2018 to quash the same and consequently permit the petitioner to resubmit their representation dated 12.02.2018 and issue a direction to the 1st respondent to reconsider the claim of the petitioner's representation dated 12.02.2018 in the light of the judgment dated 18.06.2012 made in WP No. 3698 of 2007 and batch.

2. In the affidavit filed in support of the writ petition, it had been stated by the petitioner that she joined as Secondary Grade Teacher on 05.01.1990 in Polur Block, Panchayat Union Elementary School, Poongallaimedu. The petitioner was transferred to Thiruvannamalai Union and was promoted as Primary School Headmaster 01.06.2010. The petitioner was granted Selection Grade pay in the post of Secondary Grade Teacher on 05.01.2000.

3. In the affidavit, it is further stated that her junior / T.Devi, was initially appointed as Secondary Grade Teacher on 17.06.1991 in Vallam Union. She was promoted as Primary School Headmistress on 25.07.2007.



W.P.No.2672 of 2019

WEB COPY

4. Learned counsel for the petitioner submitted that due to VII pay commission, an anomaly in pay was caused. The petitioner sent a representation to the first respondent on 12.02.2018 for stepping up of her pay on par with her junior / T.Devi. Along with the representation, the petitioner had also made a detailed comparative statement. Learned counsel for the petitioner further submitted that the said proposal was returned vide communication dated 23.05.2018 stating that since the petitioner and her junior / T.Devi were from different unions, the claim made by the petitioner cannot be considered.

5. Learned counsel for the petitioner relied on a judgment of a learned Single Judge of this Court in the case of T.Mani and others v The District Elementary Educational Officer [W.P.Nos. 3698 to 3700 of 2007 dated 18.06.2012]. Though it is a settled position of law, this Court also had an occasion to consider a similar set of facts in W.P.No. 12504 of 2017, and had allowed the writ petition.

6. On the other hand, learned Government Advocate for the respondents submitted that the petitioner had been transferred



W.P.No.2672 of 2019

from one unit to another unit. The respondents had compared the grade pay of both the petitioner and her junior / T.Devi while determining the pay matrix. The learned counsel further stated that as per 22-B (2) FR, the petitioner has not fulfilled the conditions stipulated in the Rules, and sought dismissal of the petition.

7. Heard learned counsels on either side.

8. This Court is of the considered view that the anomaly in pay had occurred due to the implementation of the recommendations of the VII pay commission and the petitioner is entitled for stepping up of pay. The contention raised by learned Government Advocate for the respondents that stepping up of pay will not be applicable to those who were transferred from one unit to another unit is rejected since this is a case of drawing of pay and equalizing the pay scale to that of her junior. The transfer from one union to another union would affect seniority but it would not be applicable so far as fixation of pay is concerned.

9. The writ petition stands allowed. A mandamus is issued to the respondents to issue necessary proceedings within a period



W.P.No.2672 of 2019

of four months from the date of receipt of a copy of this order. If the respondents require any clarification, they may issue notice to the petitioner herein and seek necessary clarification and but at any rate pass orders within the period of four months. No costs. Connected miscellaneous petition is closed.

21.07.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The District Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Block Educational officer,
Thiruvannamalai,
Thiruvannamalai District.



WEB COPY



W.P.No.2672 of 2019

C.V.KARTHIKEYAN,J.

ssm

W.P.No.2672 of 2019

21.07.2023