



W.P.No. 17295 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM:

THE HONOURABLE MS. JUSTICE R.N. MANJULA

Writ Petition No. 17295 of 2020

Renganathan

.. Petitioner

versus

1. The Accountant General

(Accounts and Entitlement),

361, Anna Salai,

Teynampet,

Chennai 600 018.

2. The Director of School Education,

DPI Complex,

College Road,

Chennai 600 006.

3. The District Elementary Educational Officer,

Palladam,

Tiruppur District.

4. The Additional Assistant Educational Officer,

Kangeyam 638 701,

Tiruppur District

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent vide his office proceedings in Na.Ka.No.1806/B1/2020 dated 26.08.2020 and quash the same and consequently directing the respondents to extend the benefits of G.O.Ms.No.25, Personnel and Administrative Reforms Department dated 23.03.2015 to the petitioner and re-fix his pay scale and pension benefits on par with his junior namely Mr.Edward within the time frame.

For Petitioner : Mr. J. Titus Enock

For Respondents : Mrs. T.S, Selvarani,
for R1

Mr. G. Nanmaran,
Special Government Pleader
for R2 to R4

ORDER

Challenging the order passed by the third respondent vide his office proceedings in Na.Ka.No.1806/B1/2020 dated 26.08.2020, the present Writ Petition has been filed.

2. The petitioner was appointed as a Secondary Grade Teacher and joined duty on 03.11.1979 at Kangeyam Panchayat Union Middle School.

However, subsequent to his promotions, it was noticed that his junior, by name



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Edward, was drawing more salary than him. As the petitioner is senior to Edward, it is prayed that his pay should be stepped up in order to set right the pay anomaly.

3. The petitioner was promoted as a Tamil Teacher in B.T. Cadre, which is the same cadre as that of Head Master of primary school and his junior Edward was promoted as Head Master of the Primary School on 05.08.1994 and 01.09.1994 respectively. During that time, both of them were drawing identical scale of pay of Rs.1800/-. Even though the petitioner was paid increment in the promoted post for the higher qualification acquired, his junior Edward started to get higher pay than the petitioner subsequent to the pay commission. To set right the pay anomaly between the senior and Junior, the Government issued G.O. Ms. No.25, Personnel and Administrative Reforms Department dated 23.03.2015 to rectify the anomaly. One of the reasons for the anomaly was the pay fixed in the promotion post after fixation of pay in the selection grade, special grade of the lower post. Since the anomaly has resulted due to the pay fixation in the selection grade and special grade, the petitioner is entitled to get the anomaly rectified between himself and his Junior. However, the 3rd respondent rejected the representation of the petitioner without extending the benefit of G.O.Ms.No.25, Personnel and Administrative



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Reforms Department dated 23.03.2015. Therefore, it is appropriate to direct the respondents to rectify the anomaly.

4. Hence, this Writ Petition is allowed and the impugned order passed by the third respondent vide his office proceedings in Na.Ka.No.1806/B1/2020 dated 26.08.2020 is quashed and the third respondent is directed to extend the benefits of G.O. Ms. No.25, Personnel and Administrative Reforms Department dated 23.03.2015 to the petitioner and re-fix his pay scale and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

mrp

To

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R.N.MANJULA, J.

mrp

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