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W.A.No.2367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.2367 of 2022

and

CMP. No.18025 of 2022

1.The District Educational Officer
Kancheepuram, Kancheepuram District

2.The Block Educational Officer
Uthiramerur, Kancheepuram District

.. Appellants

Vs.

1.K.Shanmugasundaram
2.Amalorpavam

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 21.04.2021 passed in W.P.No.9870 of 2021.

For Appellants : Mr.C.Kathiravan
Special Government Pleader

For 1st Respondent : Mr.P.Rajendran

JUDGMENT

(Delivered by R. MAHADEVAN, J.)

This Writ Appeal arises from the order dated 21.04.2021 passed by the learned Judge in W.P.No.9870 of 2021.



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2.The main ground on which this appeal has been filed is that the learned Judge has failed to consider that the first respondent was initially appointed in the Uthiramerur Union in the year 1987 and the second respondent was appointed in the year 1988 in Achirupakkam Union and thus, these two were appointed in different unions on different years and hence, they cannot be compared with each other, since they do not belong to the same parent union.

3.However, when this appeal was taken up, the learned Special Government Pleader appearing for the appellants fairly submitted that the issue involved herein, is covered by a judgment of the co-ordinate bench of this Court, dated 13.06.2022 in W.A.No.1425 of 2022, the relevant portion of which, is usefully extracted hereunder :

“3.1 The sole ground pressed into service before learned single Judge and before this Court in this appeal is the policy of the State that there cannot be any comparison of pay of two persons who are not working in the same unit.

3.2 The details as reflected in the counter at paragraph 5 indicates that the private respondent was transferred to the unit in which the writ petitioner was working some where in the year 2002 (10.06.2002) and right from the year 2002 up to the year 2014 the writ petitioner was getting more pay than the private respondent. Under this circumstance, though the learned Special Government Pleader for the appellants may be right in her contention with regard to the policy of the State, in the facts of this case, it will not help the appellants for the reasons that the transfer had already taken place in the year 2002 and



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from 2002 onwards the writ petitioner was getting higher pay than the person who was transferred. Therefore, on facts, that contention is not available to the appellants

3.3 The said counter further goes to show that it is in the year 2015 pay anomaly cropped up. It is under this circumstance, the sole ground pressed into service by the State is rightly not accepted by learned single Judge and that view cannot be said to be an error much less any error apparent on the face of record, which may call for any interference. This appeal is therefore dismissed. No costs. Consequently, connected miscellaneous petition is closed.”

The learned Special Government Pleader further submitted that the first respondent has initiated contempt proceedings against the appellants, alleging non-compliance of the order passed by the learned Judge. Hence, the learned counsel prayed this Court to fix a time frame for complying with the order passed by the learned Judge in the writ petition.

4. In view of the above, this writ appeal is dismissed, following the judgment as referred to above. The appellants are granted the time of four weeks from the date of receipt of a copy of this judgment, to comply with the order passed by the learned Judge. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D.J.] [M.S.Q, J.]
15.06.2023

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