



W.P.(MD)No.13529 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 13529 of 2016

and

W.M.P(MD)Nos. 10094 & 10095 of 2016

K.P.Madhava Krishnan

... Petitioner

Vs.

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

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

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

4. The Assistant Elementary Educational Officer,
Narikudi,
Virudhunagar 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*, calling for the records relating to the impugned proceedings issued by the 3rd respondent DEEO, Virudhunagar District in MU.Mu.No.1569/AA3/2014, dated 26.06.2014 and the consequential proceedings in O.Mu.No. 73/AA3/2015, dated 20.01.2015 and the 4th respondent AEEO in A.Thi.Mu.No.2041/A1/2015, dated 07.01.2016 (received on 12.02.2016), Quash the same, and further direct the respondents to rectify forthwith the pay anomaly and re-fix the petitioner's pay on par with his junior namely; Tmt.S.Subbulakshmi, with effect from 01.06.2010 in the light of G.O. (Ms)No.25 Personnel and Administrative Reforms (FRIV) Department, dated 23.03.2015.

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

For Respondents : Mr.S.Kameswaran,
Government Advocate

ORDER

This Writ Petition is filed challenging the impugned order, dated 26.06.2014 and the consequential order with the consequential relief to re-fix the petitioner's pay on par with his junior namely, S.Subbulakshmi, with effect from



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01.06.2010, in the light of G.O.Ms.No.25 Personnel and Administrative Reforms (FRIV) Department, dated 23.03.2015.

2. The petitioner was appointed on 17.10.1988 as Secondary Grade Teacher and thereafter, he was promoted as B.T. Assistant (Tamil) on 05.06.2002 and then Middle School Headmaster on 20.12.2004. One S.Subbulakshmi, who is junior to the petitioner was working as Middle School Headmaster in the Panchayat Union Middle School was appointed on Secondary Grade Teacher on 18.10.1988 and thereafter, she was promoted as Primary School Headmistress on 23.06.2007. On completion of 10 years of service, she was awarded with Selection Grade, with effect from 23.06.2007 and thereafter, promoted as Middle School Headmaster and placed in the Pay-Band-III having pay scale of Rs.23,640/- (18,240 + GP 5,400/-).

3. The contention of the petitioner is that the said S.Subbulakshmi, is junior to the petitioner, however, she is drawing higher scale of pay. The 6th pay commission was issued vide G.O.Ms.No.234, whereby the scale of pay was fixed



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based on Pay-Band structure. When there were several complaints of pay anomalies and discrepancies, the aggrieved persons initiated several litigations. In the meanwhile, the respondents have issued G.O.Ms.No.25, Personal and Administrative Reforms (FRIV) Department, dated 23.03.2015 and also other government letters and other government orders clarifying / rectifying the pay anomalies.

4. On perusal of the impugned order, it is seen that the respondents have followed not taken into consideration the subsequent government orders and clarifications. Therefore, this Court is inclined to quash the impugned order.

5. Accordingly, this Writ Petition is allowed. The impugned order passed by the 3rd respondent DEEO, Virudhunagar District in MU.Mu.No.1569/AA3/2014, dated 26.06.2014 and the consequential proceedings in O.Mu.No.73/AA3/2015, dated 20.01.2015 and the order of the 4th respondent AEEO in A.Thi. Mu.No.2041/A1/2015, dated 07.01.2016, are hereby quashed. The 2nd respondent is directed to consider the case of the petitioner, in the light of Government



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Orders and clarifications issued in this issue and pass appropriate speaking order, after giving opportunity to the petitioner. The said exercise shall be completed, within a period of eight weeks, from the date of receipt of a copy of the order. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

10.02.2023

To

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S.SRIMATHY, J

ksa

**Order made in
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