



W.P.(MD)No.15741 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 15741 of 2016

and

W.M.P(MD)No. 11531 of 2016

G. Rajkumar Bt Assistant

... Petitioner

Panchayat Union Middle School,

Anaigoundenpatti, Kadavoor Union, Karur District.

Vs.

1. The District Elementary Educational Officer,
Karur, Karur District.

2. The Assistant Elementary Educational Officer,
Kadavur Union, Karur District.

3. The Director of Elementary Education,
O/o.the Director of Elementary Education,
DPI Complex, Nungampakkam,
Chennai.

... Respondents

[3rd respondent is impleaded Suo motu by order of this Court, dated 01.03.2023]



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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 proceedings impugned proceedings of 1st respondent herein in Na.Ka.No. 11191/A3/2016 dated nil.06.2016 and the consequential order, dated 21.07.2016 of the 2nd respondent herein and quash the same and consequently direct the respondents herein to step up the pay of the petitioner on par with petitioners Junior Mr.T.Thirumoorthy with effect from 01.01.2015 the date of which pay parity arise with all other monetary benefits.

For Petitioner : Mr.T. Pon Ramkumar

For Respondents : Mr.D. Sadiq Raja
Additional Government Pleader

ORDER

This writ petition is filed to quash the impugned order, dated 21.07.2016 and also seeking consequential relief to grant pay parity.

2. Heard Mr. T. Pon Ramkumar, learned counsel appearing for the petitioner and Mr. D. Sadiq Raja, learned Additional Government Pleader, appearing for the respondents. Perused the material documents available on



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record.

3. The petitioner was appointed as Secondary Grade Teacher in Krishnarayapuram Union, Karur District and thereafter, transferred to Kadavur Union, Karur District, on 15.09.2004. Thereafter, promoted as BT Assistant in Panchayat Union Middle School, Anaigoundanpatti, Kadavur Union, Karur District on 01.06.2008.

4. The Government has issued G.O.Ms.151, dated 20.02.1982 and G.O.Ms.No.170, dated 23.09.1994, wherein the Government has decided the issue that the pay anomaly of the seniors who are drawing lesser pay than their juniors with similar qualification on account of the revision of scales of pay, when the Pay Commission orders were passed. The contention of the petitioner is that in his case also pay anomaly had occurred during the 6th Pay Commission.

5. This Court in a similar case had passed an order dated 07.11.2022 in W.P.(MD)No.9424 of 2016 batch, wherein this Court remitted the case back to the Director of Elementary Education to consider the plea of pay anomalies, rectify the same and pass orders. In fact, this Court has issued direction to the



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Government to appoint One Man Commission to address this issue. Therefore, following the earlier order, this Court is remitting this case to the Director of Elementary Education. Since, the Director of Elementary Education is not impleaded as party, this Court suo motu impleading the Director of Elementary Education, DPI Complex, Nungampakkam, Chennai as 3rd respondent. The Director of Elementary Education, is directed to consider the petitioner's case and pass orders, within a period of 12 weeks from the date of receipt of a copy of the order.

6. With these observations, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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To

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 15741 of 2016**

01.03.2023