



W.P.(MD).No.24980 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.24980 of 2018

V.M.Muthulakshmi

... Petitioner

Vs.

1.The Director of Elementary Education,
Office of the Directorate of Elementary Education,
DPI Buildings,
Chennai – 600 006.

2.The District Elementary Education Officer,
District Elementary Education Office,
Tirunelveli.

3.The Additional Assistant Elementary Educational Officer,
Assistant Elementary Education Office,
Sankarankovil Town & Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to revise the pay scale of the petitioner by treating the petitioner who have been appointed on regular basis as B.T.Assistants w.e.f. 01/06/2006 at Sankarankovil Municipal Unit by treating the said unit as a single unit by directing the first respondent to issue necessary clarification to its circular bearing Na.ka.No.



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16907/E1/2016 dated 11/08/2016.

For Petitioner : Mr.R.Murali

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The present writ petition is filed for Mandamus, directing the respondents to rectify the pay scale between the petitioner and his juniors.

2. The petitioner was appointed as B.T Assistant 01.06.2006 and he was subsequently promoted as Head Mistress on 12.10.2009. The petitioner's junior, namely Raji also joined in the same unit on 01.06.2006. However, she was promoted as Head Mistress in the year 2017. Even though the petitioner was promoted much earlier than the junior, but the junior was getting more pay than the petitioner.

3. It is seen from the records that the petitioner was promoted on 04.06.2010, but the junior was not promoted in the year 2010. Since the junior was stagnating in the same post for more than ten years, the junior was granted



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selection grade of pay. After the selection grade pay, the said junior was promoted in the year 2017. After adding the selection grade, the junior is getting more pay than petitioner (senior). In 6th pay commission, there was an increase in the scale of pay, which lead to severe discrepancies in the scale of pay amongst the Government employees. Therefore, the Government has appointed One Man Commission to rectify the pay anomaly. Till this date, there was no proper rectification.

4. A similar issue was raised before this Court in W.P(MD)No.9424 of 2016 and batch, dated 07.11.2022. This Court has directed the respondents to rectify the pay anomaly and the relevant portion is extracted hereunder:

“17. Based on the observations, this Court deems it fit to remit the cases to the 1st respondent. The 1st respondent shall place the issue before the Secretary to the Government, School Education and the issues raised in the writ petitions shall be resolved. The respondents shall issue any government orders and clarify,

(i). The applicability of G.O. Ms. No. 859 Finance (Pay Cell) Department dated 11.09.1986 or G.O.Ms.No.710, dated 23.09.1994 of Tamilnadu Revised Scales of Pay Rules, 2009.

(ii). The applicability of G.O.Ms.No.120 Human



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Resource Development (AV-IV) Department dated 01.11.2021 retrospectively.

(iii). If pay anomaly arises in the cases of writ petitioners, the respondents shall pass appropriate orders

(iv). If need be the government shall appoint "One Man Commission" permanently to resolve the issue.

(v). After resolving the issue, if the petitioners are entitled to any benefits the same shall be conferred.

(vi). The said exercise shall be completed within the period of six months from the date of receipt of the copy of the order."

5. Following the said judgment, this Court is remitting this case to the 1st respondent and the petitioner's case shall be considered in the light of W.P(MD)No.9424 of 2016 and batch, dated 07.11.2022. The above said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said directions, this Writ Petition stands disposed of.

No costs.



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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

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