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W.P.No.3160 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.3160 of 2021 and
W.M.P.Nos.3587 & 3589 of 2021

S.Raghuveeran

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
Chennai 600 006.

2.The District Educational Officer,
Vaniyambadi Educational District,
Thirupattur.

3.The Block Educational Officer,
Nattrampalli Block,
Vaniyambadi Educational District,
Thirupattur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.No.1436/A2/2019 dated 17.09.2020 and received by the petitioner on 07.10.2020 and quash the same and consequently, direct the respondents to continue to pay the salary and all other emoluments as per the proceedings of the 2nd respondent in Na.Ka.No.1436/A2/2019, dated 20.08.2019.



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For Petitioner : M/s.Suneetha

For Respondents : Mr.S.Prabhakaran, GA

ORDER

This Writ Petition has been filed for quashment of the impugned order passed by the 2nd respondent in Na.Ka.No.1436/A2/2019 dated 17.09.2020 and consequently, to direct the respondents to continue to pay the salary and all other emoluments as per the proceedings of the 2nd respondent in Na.Ka.No.1436/A2/2019, dated 20.08.2019.

2. Heard the learned counsel on either side and also perused the entire materials available on record.

3. In the affidavit filed in support of the Writ Petition, it had been stated by the petitioner that he was appointed as Secondary Grade Teacher on 11.09.1987 and subsequently, transferred to the Natrampalli Block with effect from 31.12.1987. Thereafter, he was promoted to the post of Elementary School Headmaster with effect from 13.06.2003 and further promoted to the post of BT Assistant with effect from 27.11.2006 and



subsequently, promoted to the post of Middle School Headmaster with effect from 19.09.2011.

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4. In the affidavit, it is further stated that one Manimekalai, who was initially appointed as Secondary Grade Teacher on 14.09.1987 was getting more pay than the petitioner herein.

5. The learned counsel for the petitioner submitted that the petitioner's junior acquired a higher qualification much later in the year 2005 and after being promoted to the post of Elementary School Headmaster, the petitioner's junior started drawing a higher scale of pay than the petitioner. Due to acquire a higher qualification, an anomaly in pay was caused. The petitioner sent a representation to the third respondent, as well as the second respondent for stepping up his pay. The representation of the petitioner was accepted and he received the arrears after stepping up of his pay vide proceedings of the second respondent dated 20.08.2019. The said proceeding of the second respondent dated 20.08.2019 was cancelled on the ground that since the petitioner and the said Manimekalai were from different Unions, the claim made by the petitioner cannot be considered. In support of her contention, she



relied on the following judgment of this Court:

- (i) *W.P.No.9684 of 2017 (J.Jeevakala Vs. the Director of Elementary Education and others)* dated 22.08.2023.
- (ii) *W.P.No.34450 of 2019 (T.G.Rama Vs. The Director of School Education and others)* dated 06.01.2020.
- (iii) *W.A.No.78 of 2021 (The Director of School Education and others Vs. T.G.Rama)* dated 09.04.2021.
- (iv) *W.A.No.1382 of 2021 (The Director of Elementary Education and another Vs. C.Lakshmanan)* dated 19.08.2021
- (v) *W.A.No.1578 of 2022 (The District Educational Officer and another Vs. N.Chennai Veerappa)* dated 17.08.2022
- (vi) *W.P.No.29225 of 2017 (R.Ilangovan Vs. The Director of Elementary Education and others)* dated 14.02.2023.
- (vii) *W.A.No.1425 of 2022 (The Director of Elementary Education and others vs. S.Rajaiah)* dated 13.06.2022
- (viii) *W.A.No.178 of 2021 (The Director of School Education and others vs. S.Premavathi)* dated 18.03.2021.



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6. On the other hand, the learned Government Advocate appearing for the respondents submitted that the petitioner had been transferred from one unit to another unit. He further stated that the official respondents had carefully gone through the records and had come to the conclusion that there was no pay anomaly as claimed by the petitioner and sought for dismissal of the petition.

7. This Court of the considered view that the anomaly in pay had occurred due to acquire a higher qualification and transfer of one union from other union. The petitioner is entitled for stepping up of pay. The contention raised by the learned Government Advocate for the respondents that stepping up of pay will not be applicable to those who were transferred from one unit to another unit is rejected since this is a case of drawing of pay and equalizing the pay scale to that of the junior. The transfer from one union to another union would affect seniority but it would not be applicable so far as stepping up of pay is concerned.

8. In view of the above discussion, this Court is set aside the order of



the second respondent dated 17.09.2020 in Na.Ka.No.1436/A2/2019 and the petitioner is entitled to seek pay parity on par with his junior Manimekalai, who according to the petitioner is getting a higher pay. The second respondent is directed to rectify the pay anomaly in the case of the petitioner and accordingly, step up the pay of the petitioner on par with his junior Manimekalai and extend all the consequential benefits. Necessary order shall be passed in this regard by the second respondent within a period of four months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

23.09.2024

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Index : Yes / No

Speaking order / Non-speaking order

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