



W.P. No.23939 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.23939 of 2015

and

M.P. No.1 of 2015

S.G.Chokalingam

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By its Secretary,
Education Department,
Fort St.George, Chennai-600 009.

2.The Chief Educational Officer,
Tiruvallur, Tiruvallur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the orders passed by the 2nd Respondent in Na.Ka.10069/ஆ5/2013 dated 06.11.2013, Na.Ka.10069/ஆ5/2013 dated 16.04.2014 and Na.Ka.10069/ஆ5/2015 dated 06.04.2015 and quash the same consequently direct the 1st Respondent to set right the anomaly between the petitioner and his junior R.Jeyanthi Kumar and direct the 1st Respondent to pay the difference between the fixation along with interest on par with the junior to the petitioner within a date fixed by this Court.



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For Petitioner

: Mr.A.R.Nixon

For Respondents

: Mr.K.H.Ravi Kumar
Government Advocate

ORDER

The writ petition has been filed seeking writ of Certiorarified Mandamus calling for the records relating to the orders passed by the 2nd Respondent in Na.Ka.10069/ஆ5/2013 dated 06.11.2013, Na.Ka.10069/ஆ5/2013 dated 16.04.2014 and Na.Ka.10069/ஆ5/2015 dated 06.04.2015, to quash the same and consequently seeking a direction to the 1st Respondent to set right the anomaly between the petitioner and his junior R.Jeyanthi Kumar and direct the 1st Respondent to pay the difference between the fixation along with interest on par with the junior to the petitioner.

2. The petitioner herein who was initially appointed as Secondary Grade Teacher on 22.10.1973 made a claim for fixation of his pay on par with his junior R.Jeyanthi Kumar who was appointed as a Secondary Grade Teacher on 16.03.1977. The said claim of the petitioner was negated by the Respondent by passing the impugned order on the ground that the said R.Jeyanthi Kumar filed a writ petition before this Court and obtained orders and his pay was accordingly fixed and whereas the petitioner herein has not filed any writ petition seeking the



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benefit of G.O.Ms.No.216 Finance Pay Cell Department dated 22.03.1993, therefore his pay was not fixed. It is aggrieved by the said order dated 06.04.2015 the petitioner has filed the present writ petition.

3. The 2nd Respondent has filed counter affidavit contending that the petitioner was already extended the benefit of G.O.Ms.No.216 through proceedings dated 06.11.2013 and similar benefit was extended in favour of R.Jeyanthi Kumar and therefore the petitioner cannot claim the very same benefit once again by comparing himself with his junior R.Jeyanthi Kumar.

4. This Court has heard Mr.A.R.Nixon, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the Respondents.

5. It is not in dispute that the petitioner herein is senior to Mr.R.Jeyanthi Kumar in the cadre of Secondary Grade Teacher. The petitioner herein was also awarded selection grade and special grade. However the fact that Jeyanthi Kumar is drawing more pay is also not in dispute. It is in view of the fact that his junior is drawing more pay than the petitioner, the petitioner made a claim for fixation of his pay on par with his junior.



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6. From the counter affidavit, it appears that the petitioner was extended the benefit of G.O.Ms.No.216 while he was drawing special grade pay and whereas the said R.Jeyanthi Kumar was extended the benefit of G.O.Ms.No.216 while he was drawing selection grade pay in the post of Secondary Grade Teacher and because of the same there is difference in the pay of the petitioner and his junior. But that is not the reason assigned in the impugned order. Further, even if the contention of the Respondents is taken as true also, in case his senior is drawing lesser salary/ pay and working in the same category and similarly placed like the junior, the Respondents may have to consider the claim of the petitioner for stepping up the pay on par with his junior.

7. Be that as it may, the reason assigned by the Respondents in the impugned order dated 06.04.2015 stating that the petitioner has not obtained any order is totally unsustainable. As a matter of fact, earlier the petitioner has approached this Court by filing a writ petition in W.P.No.9370 of 2012 and a similar order as obtained by R.Jeyanthi Kumar was passed by this Court on 12.04.2012.

8. In the light of the above, the impugned order cannot be sustained and accordingly the same is set aside. The Respondents are directed to reconsider the



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claim of the petitioner and pass appropriate orders in accordance with law within

a period of 8 weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petition is closed.

30.09.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

1.The Secretary,
Education Department,
Fort St.George, Chennai-600 009.

2.The Chief Educational Officer,
Tiruvallur, Tiruvallur District.



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MUMMINENI SUDHEER KUMAR, J.

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