



W.A.No. _____

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.837 of 2022 and
C.M.P.No.5645 of 2022

1. Director of Elementary Education,
DPI Campus,
Chennai-600 009.
2. The District Educational Officer,
Thiruvannamalai District.
3. The Block Educational Officer,
Chengam Block, Thiruvannamalai District. ... Appellants/Respondents

-VS-

P.Jayalakshmi ... Respondent/Writ Petitioner
Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 20.10.2021 made in W.P.No.21886 of 2021 and allow the Writ Appeal.

For Appellants : Mr.J.C.Durairaj
Addl. Govt. Pleader
For Respondent : Mrs.Dakshyani Reddy, Senior Counsel
For Ms.S.Suneetha

J U D G M E N T
(By D.Krishnakumar,J.)

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 20.10.2021 passed in W.P.No.21886 of 2021, by which the Writ Petition



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filed by the Writ Petitioner/respondent herein was allowed in terms of the order dated 25.08.2021 passed in W.P.Nos.41002 and 41004 of 2021, with a direction to the respondents therein to implement the order within three weeks.

2. Learned Senior Counsel appearing for the respondent contended that the request of the writ petitioner / respondent herein, who was appointed on 28.06.1991, to step up her salary on par with her junior T.Maheswari, appointed much later on 11.08.1997, was rejected by 3rd respondent therein and thus, there was a pay anomaly. Learned Single Judge, by following a similar order dated 25.08.2021, passed in consonance with W.A.No.178 of 2021, straightaway granted the relief to the Writ Petitioner. She further contended that as per Rule 22 of the Fundamental Rules, the pay of a senior has to be stepped up on par with the junior and this aspect has not been considered by the authority concerned except saying that the seniority of the Writ Petitioner would be determined with reference to the Division where she was posted.

3. Learned Additional Government Pleader for the appellants fairly submitted that this Court, in an identical issue in W.A.No.2684 of 2022, had disposed of the Writ Appeal on 27.06.2024, on the ground that the authority concerned had not passed a reasoned order and also taking note of the fact that the appeal preferred by the Department against the judgment of the Division Bench of this Court made in



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W.A.No.1382 of 2021 (similar in nature), was dismissed by the Supreme Court on 16.09.2022 in Special Leave to Appeal (C) No.8282 of 2022, with an observation that the question of law is kept open to be decided in an appropriate case.

4. In view of the fair submission made by the learned Additional Government Pleader for the appellants and in the light of the observation made by the Supreme Court in the case (supra) and also on the basis of the order of this Court dated 27.06.2024, this Writ Appeal is disposed of, with a direction to the appellants herein to consider the claim of the respondent in accordance with law, bearing in mind the decisions rendered by the Division Bench of this Court dated 19.08.2021 in W.A.No.1382 of 2021 and the Supreme Court in Special Leave to Appeal (C) No.8282 of 2022 dated 16.09.2022 and pass orders suitably with regard to settlement of her monetary benefits, within a period of twelve weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,]

[K.B., J]

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Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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D.KRISHNAKUMAR,J.,



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