



WEB COPY



W.P. Nos.6125 and 6126 of 2015

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.06.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P. Nos.6125 and 6126 of 2015 and**  
**M.P.Nos.1, 1, 2 and 2 of 2015**

**W.P.No.6125 of 2015:**

C.Sampathu

.. Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep. by its Deputy Secretary,  
Higher Education (G2) Department,  
Secretariat, Chennai 9.
2. The Director of College Education,  
E.V.K.Sampath Maligai,,  
College Road, Chennai 6.
3. Regional Joint Director of Collegiate Education,  
Chennai Region, Saidapet,  
Chennai 15.
4. The Government College of Arts for Men,  
Krishnagiri, Krishnagiri District.

..Respondents

**W.P.No.6126 of 2015:**

V.Rajamanickam

Vs.



W.P. Nos.6125 and 6126 of 2015

1. The Government of Tamil Nadu,  
Rep. by its Deputy Secretary,  
Higher Education (G2) Department,  
Secretariat, Chennai 9.

2. The Director of College Education,  
E.V.K.Sampath Maligai,,  
College Road, Chennai 6.

3. Government College of Arts for Men  
Nandanam,  
Chennai 35.

..Respondents

**COMMON PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent pertaining to its order bearing Letter No.4867/G2/2014-2, dated 05.06.2014 and the consequential order of the 2nd respondent in Na.Ka.No.15641/P2/2011, dated 22.07.2014 and quash the same and consequently direct the respondents not to effect any recovery in pursuance to the same.

For Petitioner : Mr.G.Rajkumar  
for M/s.S.R.Ramasamy Law Asso.  
R.Anitha and R.Palaniandavan

For Respondents : Mr.D.Ravichander  
Special Government Pleader

### **COMMON ORDER**

The writ petitions are filed praying to call for the records on the file of the 1st respondent pertaining to its order bearing Letter No.4867/G2/2014-2, dated



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05.06.2014 and the consequential order of the 2nd respondent in Na.Ka.No.15641/P2/2011, dated 22.07.2014 and quash the same and consequently direct the respondents not to effect any recovery in pursuance to the same.

2. It is submitted in unison by both the learned counsel for the petitioner and respondent that the issue stands covered by a decision of this Court in a batch of matters in W.P.Nos.16379 of 2014 dated 08.12.2020.

3. It was submitted that the identical prayers have been rejected with the following observations by the learned Judge:

*"17.The learned counsel for the petitioners made a submission that some of the juniors to the petitioners are getting more pay, than that of the petitioners. It is needless to state that Fundamental Rules stipulates that if any junior is getting more pay, the senior can submit an application for grant of equivalent pay on par with the junior by following the procedures contemplated under the Fundamental Rules. In this regard, a comparative statement is to be filed and the authority competent have to follow the Rules in this regard. Thus, any of the petitioners are aggrieved on account of the fact that their juniors are getting more pay, then they are at liberty to approach the competent authority for the purpose of enhancement of their pay on par with their juniors.*

.....

*19.Accordingly, all these writ petitions stand dismissed. It is made*



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*clear that if any of the petitioners are already retired from service and is a pensioner, then, recovery cannot be imposed from their pension or pensionary benefits. No costs. Consequently, connected miscellaneous petitions are closed."*

4. The writ petitions stand disposed of on the very same terms. No costs.

Consequently, connected miscellaneous petitions are closed.

**20.06.2024**

Speaking (or) Non Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To:

1. The Deputy Secretary,  
Higher Education (G2) Department,  
Secretariat, Chennai 9.
2. The Director of College Education,  
E.V.K.Sampath Maligai,,  
College Road, Chennai 6.
3. Regional Joint Director of Collegiate Education,  
Chennai Region, Saidapet,  
Chennai 15.
4. The Government College of Arts for Men,  
Krishnagiri, Krishnagiri District.
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**MOHAMMED SHAFFIQ, J.**

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**20.06.2024**