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W.P.No.9860 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.9860 of 2015

and

M.P.No.2 of 2015

R.Ravi

.. Petitioner

Vs.

1. 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. The Principal
Periyar Arts College,
Cuddalore 607 001.

..Respondents

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



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for M/s.S.R.Ramasamy Law Asso.
R.Anitha and R.Palaniandavan

For Respondents : Mr.D.Ravichander
Special Government Pleader

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 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 observation 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



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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 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 petition stands disposed of on the very same terms. No costs.

Consequently, connected miscellaneous petition is closed.

20.06.2024

Speaking (or) Non Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To:

1. Government of Tamil Nadu,
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MOHAMMED SHAFFIQ, J.

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