



WEB COPY



W.P.No.19224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19224 of 2023

C.Madesan

...Petitioner

-Vs -

1. The Director,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The Joint Director,
National Service Scheme (NSS),
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Erode District,
Erode – 638 001.
4. V.Thangavel,
No.65/1, Nagaratchi Nagar,
Solar, Karur Main Road,
Erode District – 638 002.
5. The Principal Accountant General
(A&E) Tamil Nadu,
No.361, Anna Salai,
Teynampet, Chennai – 600 018.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to calling for the records of the second respondent having Ref.No.Oo.Mu.No.073991/L/E5/2022 dated 28.02.2023 and quash the same and direct the second respondent to remove the anomaly in the pay structure to the petitioner and the fourth respondent as per Rule 13 of the Tamil Nadu Revised Pay Rules, 2017 by recomputing the salary received by the petitioner while in service on par with the fourth Respondent with effect from 24.08.2008 at Rs. 23,670/- (9300- 37800 plus 4800 GP) and pay the arrears of salary of about Rs.4,00,000/- to the petitioner and consequently revise the pension amount being received by the petitioner from Rs.51,400/- after his retirement on 28.02.2023 to Rs.52,950/- per month on par with the fourth respondent within a reasonable time to be fixed by this Court.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
For Ms.C.Uma

For Respondents

For R1 to R3 : Mrs.S.Mythreye Chandru
Special Government Pleader.

For R5 : Mrs.Hema Murali Krishnan
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 28.02.2023, thereby rejected the representation submitted by the petitioner to rectify the pay anomaly between the petitioner and his junior.



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2. The petitioner is qualified with B.Sc., B.Ed., degrees and M.Sc., and M.Ed., degrees. He was appointed as B.T. Assistant on 29.12.1989 and he was regularized in the said post on the same day. His salary was fixed as Rs.1400-40-1600-50-2300-60-260. The petitioner was also given first incentive of Rs.80/- for his master degree even on the date of appointment. In the year 1998, the petitioner was granted second incentive of Rs.350/- for having acquired M.Ed., degree. Thereafter, on 29.12.1999, the petitioner was given selection grade of pay and subsequently promoted to the post of P.G. Assistant. Thereafter, the petitioner was promoted to the post of Headmaster in the high school on 02.07.2009. Subsequently, with effect from 30.10.2019, the petitioner was appointed as District Educational Officer. Due to his age of superannuation, he was retired from service on 28.02.2023.

3. Whereas, the fourth respondent was appointed as second grade teacher in the year 1992 and thereafter he was appointed as B.T. Assistant. Subsequently, he was promoted to the post of P.G. Assistant on 27.07.2006 and later promoted to the post of Headmaster of High School, on 02.08.2010. From 01.10.2022, the fourth respondent



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appointed as District Educational Officer. Though the fourth respondent junior to the petitioner, he had received more salary than the petitioner.

Therefore, the petitioner submitted representation to the third respondent to rectify the pay anomaly. It was forwarded to the second respondent and recommended to remove the pay anomaly of the petitioner and the fourth respondent. However, the second respondent returned the recommendation to the third respondent and rejected the claim made by the petitioner. Hence, the present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that due to inadvertence, the second respondent wrongly rejected the representation submitted by the petitioner to rectify the pay anomaly on the ground that the petitioner is not qualified for advance incentive increments for acquiring higher qualification. However, the salary of the junior employee is greater than that of the senior on account of any advance increments granted to him and the provisions of this sub rule shall not be invoked to step up the pay



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of the senior employee.

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6. In view of the above, the impugned order cannot be sustained and liable to be quashed. Accordingly, the impugned order passed by the second respondent in Ref.No.Oo.Mu.No.073991/L/E5/2022 dated 28.02.2023, is hereby quashed. The petitioner is directed to submit fresh representation to the second respondent for passing fresh orders as per the proposal sent by the third respondent to rectify the pay anomaly between the petitioner and the fourth respondent within a period of four weeks from the date of receipt of a copy of this Order.

7. With the above directions, the Writ Petition stands allowed.

There shall be no orders as to costs.

25.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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Chennai – 600 006.
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