



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.370 of 2023 and
C.M.P.No.3578 of 2023

1. The Director of Elementary Education,
College Road,
Chennai-600 006.

2. The District Educational Officer,
Vaniyambadi, Thirupathur District.

3. The Block Educational Officer,
Pernampattu, Vellore District.

... Appellants/Respondents 1 to 3

-VS-

1. K.Sumathi

... Respondent/Petitioner

2. Tmt.Sakthi,
Headmaster, Panchayat Union Primary School,
Sokkarishikuppam, Pernampattu Block,
Vellore District.

... Respondent/4th Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.10.2021 made in W.P.No.21562 of 2021 and allow this Writ Appeal.

For Appellants : Mr.J.C.Durairaj
Addl. Govt. Pleader

For R1 : Mr.P.Rajendran

J U D G M E N T



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(By D.Krishnakumar,J.,)

This Writ Appeal has been filed, challenging the order of the learned Single

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Judge dated 06.10.2021 passed in W.P.No.21562 of 2021, by which the Writ Petition filed by the Writ Petitioner/1st respondent herein was allowed in terms of the order dated 30.09.2021 passed in an identical issue in W.P.No.21026 of 2021.

2. It is the case of the Appellants that the Writ Petitioner/1st respondent was senior to one Sakthi, who is the 2nd respondent herein and the Writ Petitioner was transferred from Kaveripakkam Union to Pernampattu Union, Vellore District on 31.07.1998 and in the said Union, the 2nd respondent, though junior to the Writ Petitioner, was paid higher scale of pay than the Writ Petitioner. Learned Single Judge passed an order, allowing the Writ Petition by following the earlier orders of this Court. Challenging the said order, the instant Writ Appeal has been filed before this Court.

3. However, 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 W.A.No.1382 of 2021 (similar in nature), was dismissed by the Supreme Court on



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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.

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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 1st 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.,

AND

K.KUMARESH BABU,J.,



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