



WEB COPY



W.P.No.1226 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM:

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

W.P.No.1226 of 2024

A.Sivakumar

...Petitioner

Vs.

1.The Joint Director (NSS),
School Education,
DPI Campus, Chennai 600 006.

2.The Chief Educational Officer,
Kanchipuram.

3.The Assistant Treasury Officer,
Sub Treasury,
Chengalpattu.

4.The Headmaster,
Government Higher Secondary School,
Salavakkam Post,
Kanchipuram District 603 107.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent herein to release the amount sanctioned on stepping up of pay of the petitioner on par with his junior M.P.Uma as per the proceedings of the first respondent in Moo.Moo.No.038081/S/E5/2022 dated 18.07.2022



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(new order dated 29.09.2022) by taking into account the fact that the Competent Authority to fix the pay scales as per the clarification issued by the Government Order dated 17.08.2009 the pay fixing authority.

For Petitioner : M/s.S.Suneetha

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for direction to the third respondent to release the amount sanctioned on stepping up of pay of the petitioner on par with his junior.

2. The petitioner was appointed as Secondary Grade Teacher with effect from 14.12.2000. Thereafter, he was promoted as BT Assistant with effect from 07.07.2009. His junior was appointed as Secondary Grade Teacher with effect from 05.04.2002. However, she was granted with selection grade in the post of Secondary Grade Assistant on 05.04.2012. Whereas, the petitioner was not granted any Selection Grade in the post of Secondary Grade Teacher. Therefore, he is drawing lower pay scale than his junior.

3. The learned counsel appearing for the petitioner



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submitted that as per GO.Ms.No.234 dated 12.06.2009 and GO.Ms.No.23 dated 12.01.2011, GO.Ms.No.303 dated 11.10.2017, all prescribed that the individual who is senior and drawing a lower pay scale is entitled for his salary being stepped up on par with his junior. Accordingly, the first respondent re-fixed the salary of the petitioner on par with his junior with effect from 27.05.2014. As per the proceedings of the first respondent, the fourth respondent by its proceedings dated 10.08.2022 re-fixed the salary of the petitioner with effect from 27.05.2014 and forwarded the same to the third respondent. However, the third respondent raised some queries questioning the authority of the first respondent as if the first respondent not being the appointing authority. In fact, the fourth respondent by its reply dated 17.09.2022 and 15.12.2022, brought to the notice of the third respondent that the stepping up of pay has been done properly as per norms and that the Joint Director is the appropriate authority for sanction of stepping up of pay. However, the third respondent did not release the amount sanctioned on stepping up of pay of the petitioner.

4. Considering the above facts and circumstances of the case, the third respondent is directed to consider the request made by the



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petitioner as per the proceedings of the first respondent dated 18.07.2022 and as per the clarification issued by the Government order dated 17.08.2009 and pass orders to release the amount in favour of the petitioner within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

22.01.2024

Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
Lpp

To

- 1.The Joint Director (NSS),
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DPI Campus, Chennai 600 006.
- 2.The Chief Educational Officer,
Kanchipuram.
- 3.The Assistant Treasury Officer,
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- 4.The Headmaster,



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G.K.ILANTHIRAIYAN, J.

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