



WEB COPY



W.P.No.35207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

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

W.P.No.35207 of 2023

A.Gunaksekar

...Petitioner

Vs.

- 1.The Joint Director(NSS),
School Education,
DPI Campus, Chennai 600 006
- 2.The Chief Educational Officer,
Chengalpattu
- 3.The Assistant Treasury Officer,
Sub Treasury,
Chengalpattu
- 4.The Headmaster,
Pughazendhi Government School,
Ponvilanthakalathur,
Chengalpattu District

...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 Vijayalakshmi as per the proceedings of the first respondent in Moo.Moo.No.038081/S/E5/2022 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 is the pay fixing authority.



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For Petitioner : Mrs.Dakshyani Reddy,
Senior Counel
for M/s.S.Suneetha

For Respondents : Mr.S.Arumugam,
Government Advocate

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 BT Assistant with effect from 17.07.2006. Thereafter, he was promoted as PG Assistant with effect from 23.10.2015. His junior was appointed as BT Assistant with effect from 20.07.2006 and subsequently promoted to the post of PG Assitant with effect from 12.08.2017. However, she was granted with selection grade in the post of BT Assistant on 20.07.2016 and subsequently promoted to the post of PG Assistant. Whereas, the petitioner was not granted any Selection Grade in the post of BT Assistant. Therefore, he is drawing lower pay scale than his junior.



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3. Mrs.Dakshyani Reddy, the learned Senior Counsel appearing for the petitioner 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 12.08.2017. As per the proceedings of the first respondent, the fourth respondent by its proceedings dated 14.08.2023 re-fixed the salary of the petitioner with effect from 12.08.2017 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 03.09.2023, 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.



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4. Considering the above facts and circumstances of the case, the third respondent is directed to consider the request made by the petitioner as per the proceedings of the first respondent dated 29.09.2022 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.

02.01.2024

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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