



W.A.No.1623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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- 1 The Secretary to Government
School Education Department
Fort St. George, Chennai – 600 009.
- 2 The Director of Elementary Education
College Road, Chennai – 600 006.
- 3 The District Elementary Educational Officer
Namakkal District, Namakkal.
- 4 The Assistant Elementary Educational Officer
Mohanur Panchayat Union
Namakkal and District.

.. Appellants

Vs

P.Santhi

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 22.8.2023 passed by the learned Single Judge in W.P.No.18109 of 2017.



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For the Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For the Respondent : Mr.R.Saseetharan

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing on behalf of the appellants; and Mr.R.Saseetharan, learned counsel for the respondent.

2. The respondent herein filed a writ petition seeking a direction to step-up her pay to the level of her junior and fix the same at Rs.22,280/- as on 12.10.2009 and grant arrears of pay and other consequential benefits.

3. The learned Single Judge, vide the order impugned in this appeal, allowed the writ petition and granted liberty to the appellants herein to issue notice to the respondent herein, if any clarification is required. Assailing the said order, the present appeal has been filed.



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4. The only objection raised by the appellants is that the respondent and the other similarly placed person belong to different units and, therefore, there is no pay anomaly.

5. It is not in dispute that the senior and junior belong to the same cadre and they worked in the same department. The learned Single Judge, after interpreting G.O.Ms.No.25, dated 23.3.2015 pertaining to rectification of anomalies in cases where junior is drawing more pay than the senior, held that the case of the respondent herein is squarely covered by the first and second conditions of the said government order and, accordingly, directed the appellants herein to pass appropriate orders to step-up the pay of the respondent on a par with the junior in accordance with the said government order. The appellants were also granted liberty to issue notice to the respondent and seek clarification, if any required.

6. In our considered opinion, the learned Single Judge, on an overall consideration of the entire conspectus of the matter, has



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rightly exercised his discretion and granted liberty to the appellants herein to issue notice to the respondent and seek necessary clarification, if they are so advised, before passing orders. The appellants were directed to pass orders within four months. Such a discretionary order passed by the learned Single Judge granting liberty to the appellants to issue notice to the respondent and seek necessary clarification, if so required, does not warrant any interference.

In the result, the writ appeal is dismissed affirming the liberty granted to the appellants by the learned Single Judge. There shall be no order as to costs. Consequently, C.M.P.No.11425 of 2024 is closed.

(R.M.D., ACJ.) (M.S.Q., J.)
04.06.2024

Index : Yes/No
NC : Yes/No

sasi

THE HON'BLE ACTING CHIEF JUSTICE



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AND
MOHAMMED SHAFFIQ,J.

(sasi)

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