



WP(MD). No.11058 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03/06/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.11058 of 2024 and
WMP(MD) Nos.9853 & 9854 of 2024

R.Rajendran

... Petitioner

Vs

1. The District Educational Officer
O/o.the District Educational Office
Karur.

2. The Block Educational Officer,
O/o.The Block Educational Office,
Aravakurichi Block
Karur District

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent vide his impugned proceedings vide அ.தி.மு.எண் 672/அ2/2023 dated 24.07.2023 and the consequential impugned order passed by the 1st respondent vide his impugned proceedings vide அ.தி.மு.எண்:3260/அ4/2023 dated 19.12.2023 and quash the same as illegal and consequentially directing the respondents to step up the scale



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of pay of the petitioner on par with his junior and consequently to confer all consequential monetary benefits, within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran for
M/s.Ajmal Associates

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard Mr.H.Mohammed Imran, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, for the respondents.

2.This writ petition has been filed challenging the impugned order of the 2nd respondent dated 24.07.2023 and the consequential order of the 1st respondent dated 19.12.2023 and for a direction to the respondents to step up the scale of pay of the petitioner on par with his junior and consequently to confer all consequential monetary benefits.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner's case is that he was promoted to the post of Elementary School Headmaster on 01.06.2008 and his junior was promoted on 02.06.2010 and the petitioner was receiving higher pay than his junior. However, the junior of the petitioner was conferred with selection grade, as such, after promotion, she is receiving more pay than the petitioner herein. Hence, there was a pay anomaly, for which, the petitioner has given a representation to the respondent and the 2nd respondent has turned down the request of the petitioner vide impugned order dated 24.07.2023, challenging which, the petitioner is before this Court.

5. It could be seen that until the petitioner and his junior came to the present union, there was no pay anomaly and admittedly, the petitioner, who was promoted to the next level of Headmaster in Elementary school, was getting higher pay than the junior. There is no dispute on the point that Angulakshmi was promoted on 04.07.2001, ie., subsequent to the petitioner to the post of Elementary School Headmaster and she was drawing lesser pay. The pay anomaly has arisen, since the petitioner has opted to get his scale fixed in the promoted post after



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getting selection grade in the earlier post. Apparently when the junior's pay is excess than the petitioner, who was senior to her and had also got his promotion earlier, the anomaly has to be set right by stepping up of the pay. Stepping up of the pay would not amount to punishment to the senior, who has got his promotion earlier than his junior.

6. Since the petitioner has made out a point for stepping up the anomaly, the writ petition is allowed and the impugned orders of the second respondent dated 24.07.2023 and the consequential impugned order passed by the 1st respondent vide his impugned proceedings vide அ.தி.மு.எண்:3260/அ4/2023 dated 19.12.2023 are set aside. No costs. Consequently connected Miscellaneous Petitions are closed.

03.06.2024

NCC : Yes/No

Index : Yes/No

RR

To

1. The District Educational Officer

O/o.the District Educational Office, Karur.

2. The Block Educational Officer,

O/o.The Block Educational Office,

Aravakurichi Block, Karur District



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R.N.MANJULA, J.

RR

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