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W.P.(MD) No.12139 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.12139 of 2021

R.Murugan

... Petitioner

-VS-

1.The State of Tamil Nadu
rep.by its Secretary to Government
Finance Department
Fort St.George, Chennai-600 009

2.The State of Tamil Nadu
rep.by Secretary to Government
School Education Department
Fort St.George, Chennai-600 009

3.The Director of School Education
DPI Compound, College Road
Chennai-600 006

4.The Joint Director (Vocational)
Directorate of School Education
DPI Compound, College Road
Chennai-600 006

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to re-fix the scale of pay of the petitioner at Rs.2000-3500 w.e.f. 16.10.1992 on par with the scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to re-fix the scale of pay of the petitioner at Rs.2000-3500, with effect from 16.10.1992, on par with the scale of pay sanctioned to Mr.Narayanasami, under G.O.Ms.No.327, School Education Department, dated 18.11.2013.

2. The grievance of the petitioner is that as per G.O.Ms.No.840, Finance (Pay Commission) Department, dated 31.07.1990, he ought to have been treated on par with one Mr.Narayanasami, as per the scale of pay fixed for him under G.O.Ms.No.327, School Education Department, dated



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18.11.2013. The petitioner claims that the work that was done by him, while he was in employment, was the same as that of the said Mr.Narayanasami and on the ground of Equal Work Equal Pay principle, he claims that similar scale of pay, as fixed for Mr.Narayanasami under G.O.Ms.No.327, School Education Department, dated 18.11.2013, has to be fixed for him also.

3. The respondents have filed their counter affidavit denying the contentions of the petitioner and they would submit that since the said Narayanasami was qualified in agriculture, as he has completed B.Sc., (Agriculture) Course, the petitioner cannot be equated with him, who is having educational qualification of only B.Com., and M.Com. They have contended that B.Sc., (Agriculture) Course is a four year course and it is a professional course and therefore, since the petitioner has not completed professional course, he is not entitled to get the benefit of G.O.Ms.No.840, Finance (Pay Commission) Department, dated 31.07.1990, referred to supra.

4. This writ petition is of the year 2021. Admittedly, no final order has been passed by the respondents in the representation of the petitioner submitted prior to the filing of this writ petition.



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5. Learned counsel for the petitioner has also relied upon certain authorities, including the Division Bench Judgment of this Court, in support of his contention that the prayer sought for in this writ petition will have to be granted.

6. However, learned Government Advocate appearing for the respondents has also placed reliance upon certain authorities and would submit that the prayer sought for in this writ petition cannot be granted.

7. No prejudice will be caused to the respondents, if the petitioner's representation with regard to the relief sought for in this writ petition is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent seeking to refix his scale of pay at Rs.2000-3500, with effect from 16.10.1992, on par with the scale of pay sanctioned to Mr.Narayanasami, under G.O.Ms.No.327, School Education



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Department, dated 18.11.2013, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders, on merits and in accordance with law, within a period of four months thereafter.

9. With the above directions, this writ petition is disposed of. No costs.

02.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Secretary to Government,
Finance Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.



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4.The Joint Director (Vocational),
Directorate of School Education,
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ABDUL QUDDHOSE, J.

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