



WP(MD) No.18159 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18159 of 2024

A.Jothi Ramalingam

... Petitioner

Vs.

1. The Director of Fire and Rescue Service,
Egmore, Chennai.

2.The Deputy Director,
Fire and Rescue Service Department,
Western Region,
Coimbatore - 18.

3. The Divisional Fire Officer,
Fire and Rescue Service Department,
Dindigul Division,
Dindigul District.



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4. The Station Fire Officer,
Dindigul Fire and Rescue Station,
Dindigul District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent dated 20.07.2023 in Na.Ka.No. 757/AA/2023 in so far as pay scale parity of the petitioner in the post of Mechanic and Station Fire Officer (Transport) is concerned and quash the same and consequently direct the Respondents to fix the Scale of Pay to the petitioner with consequential increments on par with Junior S.Santhana Pitchai/Station Fire Officer of Valliyoor, Tirunelveli District who is receiving salary of Rs.44,600 (For Mechanic) from 25.02.2019 and Rs.47,500/- (for Station Fire Officer - Transport) from 17.04.2020 and fix the same salary to the petitioner from the date of 25.02.2019 and 17.04.2020 respectively along with arrears and other monetary and pension benefits.

For Petitioner : Mr. N.Dilipkumar

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader



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ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorarified Mandamus challenging the order of the 3rd Respondent dated 20.07.2023 insofar as pay scale parity of the petitioner in the post of Mechanic and Station Fire Officer (Transport) is concerned and consequently, direct the Respondents to fix the Scale of Pay to the petitioner with consequential increments on par with Junior S.Santhana Pitchai/Station Fire Officer of Valliyoor, Tirunelveli District who is receiving salary of Rs.44,600 (For Mechanic) from 25.02.2019 and Rs. 47,500/- (for Station Fire Officer - Transport) from 17.04.2020 and fix the same salary to the petitioner from the date of 25.02.2019 and 17.04.2020 respectively along with arrears and other monetary and pension benefits.

2. Heard Mr.N.Dilipkumar, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.



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

4. The petitioner has filed this writ petition seeking to rectify the pay anomaly by claiming that his junior has been paid more than that of the petitioner.

5. The petitioner retired from service as Station Fire Officer (Transport). The petitioner has drawn a table showing the similar date during which the petitioner and his junior joined as Fire Man and thereafter, promoted to the post of Mechanic. However, at the time when the basic pay of the petitioner for the post of Mechanic was fixed at Rs. 43,300/- but for Santhana Pitchai, it was fixed as Rs.44,600/- and thereafter, the petitioner was promoted to the post of Station Fire Officer on 13.11.2019 and his junior was promoted on 17.02.2020, however, his junior has been fixed with the higher pay.

6. In the impugned order, it is stated that the petitioner has been given with promotion to the post of Station Fire Officer on



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temporary basis and hence, he cannot claim parity with his junior.

However, the fact remains that the disparity has arisen even when both the petitioners and his junior were promoted to the post of Mechanic.

Both the petitioner and Santhana Pitchai said to have joined in the promoted post on the same day i.e., on 22.05.2019 and for the reasons

unknown, Santhana Pitchai has been fixed with higher scale of pay than that of the petitioner. Since anomaly has arisen, when two persons were

promoted as Mechanic, in the impugned order, it is stated by presuming that the pay anomaly has arisen after the petitioner has been promoted to

the post of Station Fire Officer.

7. In view of the above stated reasons, the writ petition is allowed and the impugned order of the 3rd Respondent dated 20.07.2023 is set aside. The respondents are directed to reconsider and pass orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

01.08.2024

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



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R.N.MANJULA, J.

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