



W.P.(MD)No.19904 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.19904 of 2019

and

W.M.P.(MD)No.16403 of 2019

A.Augustine Spurgeon Paramanantham

... Petitioner

/Vs./

- 1.The Account General of Pension,
Office of Accountant General,
361, Anna Salai,
Teynampet, Chennai-600 018.
- 2.The Directorate of Elementary Education,
Dpi Complex, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Tuticorin, Tuticorin District.
- 4.The Block Educational Officer,
Alwarthirunagari,
Thenthiruthuru,
Thoothukudi District.



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5.The Correspondent,
TNDTA,
Primary and Middle School,
Nazareth-628 617,
Thoothukudi District.

6.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.

... Respondents

(R6 is suo motu impleaded vide order of this Court dated 22.08.2024 in this writ petition.)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 4th respondent pertaining to its order bearing Na.Ka.No. 528/A1/2019 dated 13.08.2019 and to quash the same and consequently directing the respondents to set right the anomaly in pay to the petitioner and to revise the pension of the petitioner on par with his juniors, who were promoted as head master subsequent to the petitioner's promotion.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Gunasekaran (R1)

Mr.T.Amjad Khan (R2 to R4, R6)

Government Advocate

No appearance (R5)



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ORDER

The petitioner has filed this writ petition, challenging the impugned order passed by the fourth respondent dated 13.08.2019 rejecting his request for rectification of his pay anomaly.

2. A counter affidavit has also been filed by the third respondent.

3. However, as seen from the affidavit filed in support of this writ petition, the names of the juniors to the petitioner, who according to the petitioner, are getting higher pay are not disclosed.

4. The learned counsel appearing for the petitioner would now submit, on instructions that the petitioner is willing to give a fresh representation to the Government by enclosing comparison chart between the pay received by the petitioner and the pay received by the juniors of the petitioner and on receipt of the said representation, a direction may be issued to the Government to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. Since the Government is not a party respondent in this writ petition, this Court *suo motu* impleads the Secretary to Government, School Education Department, St.George Fort, Chennai as sixth respondent in this writ petition. Registry is directed to carry out necessary amendment accordingly.

6. For the foregoing reasons, this Court directs the petitioner to submit a representation to the sixth respondent seeking for rectification of his pay anomaly on par with his juniors by enclosing the comparison chart between the salary of the petitioner and the salary of his juniors within a period of two weeks from the date of receipt of a copy of this order. On receipt of said representation, the sixth respondent shall pass final orders uninfluenced by the impugned order dated 13.08.2019 passed by the fourth respondent, on merits and in accordance with law, within a period of twelve weeks thereafter.



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7. With the aforesaid direction, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

22.08.2024

Index : Yes / No

NCC : Yes / No

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TO:-

1.The Directorate of Elementary Education,
Dpi Complex, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Tuticorin, Tuticorin District.

3.The Block Educational Officer,
Alwarthirunagari,
Thenthiruthuru,
Thoothukudi District.

4.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.19904 of 2019

Dated:
22.08.2024