



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.9935 of 2018

Dr.T.H.Isaac Samuel Nayagam,
Thassaiyah Bhavan,
Mangaral and Post,
Kanyakumari District-629 157

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Petitioner

/vs/

1.The Director of Collegiate Education,
College Road,
Chennai-6.

2.The Regional Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli-2.

3.The Correspondent,
Scott Christian College,
Nagercoil,
Kanyakumari District.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent in Na.Ka.No.13968/F2/2015 dated 9.2.2016 and quash the same consequently direct the respondents to re fix the salary on par with others and to pay the arrears of salary with pension, continuously pay the same or any other suitable order as may deem fit and proper.

For Petitioner : Mr.S.Kowsik for M/S.K.Sathishkumar
For Respondents : Mr.S.Arumugam,



Government Advocate for RR1 & 2
: Mr.S.Bharathi Rajan for R3

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ORDER

This writ petition has been filed to call for the records relating to the proceedings of the 1st respondent dated 09.02.2016 in Na.Ka.No.13968/F2/2015, quash the same, and consequently direct the respondents to re-fix the salary of the petitioner on par with his junior and to pay the arrears of salary, pension, and all other attendant and monetary benefits.

2.Heard Mr.S.Kowsik, learned counsel for the petitioner, Mr.S.Arumugam, learned government advocate for the respondents 1 & 2, Mr. S.Bharathi Rajan, learned counsel for the 3rd respondent and perused the material available on record.

3.The petitioner has filed this writ petition to claim parity in pay with his junior, who was appointed on the same day. In the impugned order, it is stated that the petitioner had claimed parity with two individuals, namely Angel Glory Bai and Dr.Prakasa Nithilavathy. So far as the Angel Glory Bai is concerned, it is stated that she had joined service as early as in 1986 and hence she is senior to the petitioner.



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4. However, the impugned order is silent about the case of Dr. Prakasa Nithilavathy, who is junior to the petitioner. She has joined service on 25.06.1993 and the petitioner had joined earlier on 23.01.1993. As per the particulars furnished by the 3rd respondent, both the petitioner and Dr. Prakasa Nithilavathy had doctoral degrees at the time of their appointments.

5. Despite this, a disparity appears to have arisen during the re-fixation of pay upon the grant of Academic Grade Pay (AGP). While the petitioner's junior, Dr. Prakasa Nithilavathy, was granted AGP of Rs.9,000 on 29.06.2012, the petitioner was not granted the same benefit until the same date, without adequate explanation. The impugned order does not clarify how or why the petitioner's junior was extended with the benefit of AGP earlier or received a higher pay scale. In the absence of such justification, and in view of the apparent anomaly the impugned order is liable to be set aside.

6. Accordingly, the writ petition is **allowed**. The impugned order passed by the 1st respondent dated 09.02.2016 in Na.Ka.No.13968/F2/2015 is hereby set aside. The respondents are directed to reconsider the petitioner's representation



with reference to the pay and monetary benefits extended to his junior, Dr.

Prakasa Nithilavathy, and pass appropriate orders within a period of four (4)

weeks from the date of receipt of a copy of this order. No costs. Consequently,

connected miscellaneous petitions are closed.

25.03.2025

Index : Yes

Internet : Yes/No

jrs



To

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R.N.MANJULA, J.
jrs

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