



W.P.No.11650 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 19.03.2025

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11650 of 2024

E.Kumar,
S/o. Late.Elanchezian,
Nalapuram patti (Vill),
Anjehalli (P.O),
Pennagaram (T.K),
Dharmapuri (D.T), Pin-636813.

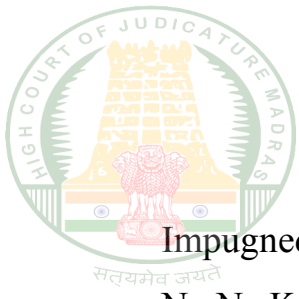
... Petitioner

VS.

1. The Director of Elementary Education,
Dr.E.V.K.S. Samlpath Salai,
College Road,
Chennai.
2. The District Elementary Educational Officer,
Dharmapuri District,
Dharmapuri.
3. The Block Elementary Education Officer,
Pennagaram Union,
Pennagaram (T.K),
Dharmapuri District, Dharmapuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the



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Impugned rejection order of the 2nd Respondent by his proceedings No.Na.Ka.No.0080/AA2/2022 (ந.க.எண்.:0080/ஆ2/2022) dated 14.12.2022 and quash the same and consequently direct the respondents to re-fix petitioner's salary on par with petitioner's Junior Mr.Dhamotharan's pay form 01.07.2010 onwards in the light of W.A.No.178/2021.

For Petitioner : Mr.P.Rajesh.
For Respondents : Mrs.S.Mythereye Chandru,
Special Government Pleader, for R1 to R3

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking records of the order of the 2nd respondent dated 14.12.2022 and quash the same and re-fix the salary of the petitioner on par with the Junior Mr.Dhamotharan on and from 01.07.2010 onwards.

2. The petitioner placed his reliance on the order of the Division Bench in W.A.No.178 of 2021.

3. In the affidavit filed in support of the writ petition, it had been contended that the petitioner was appointed as Secondary Grade Teacher through



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Employment Exchange by order dated 23.07.1999 in Dharmapuri District. He was

transferred to various other Schools. However, his name was placed below his Juniors. The petitioner claims that he had received incentive for completing B.Ed on 25.12.2011 and second incentive for completing M.A Degree on 29.05.2014. However, his junior Mr.Dhamotharan, was drawing higher pay and it was under those circumstances that the petitioner had given a representation which was rejected. The petitioner has filed the present writ petition questioning the order of rejection.

4. There was an earlier order rejecting the claim of the petitioner and that was set aside by Learned Single Judge of this Court in W.P.No.17049 of 2018 *vide* order dated 21.07.2022. Again, a similar order rejecting the claim of the petitioner had been passed.

5. In the counter-affidavit, the details of the petitioner and his Junior Mr.Dhamotharan had been given. They are as follows:



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Sl. No.	Details	E.Kumar (Senior)	K.Dhamodharan
1	Date of first appointment as Secondary Grade Teacher	26.07.1999	27.08.2001
2	Date of joining in Pennagaram Union.	03.11.2000	27.08.2001
3	Sanction of Section Grade in the post of Secondary Grade.	--	27.08.2001
4	Date of promotion as Primary School Head Master.	02.06.2008	21.09.2011
5	B.Ed. Incentive increment date.	25.12.2011	10.12.2014
6	M.A Incentive increment date.	29.05.2014	10.12.2014

6. It was contended by the Learned Special Government Pleader for the respondent that the anomaly in the pay arose owing to the fact that incentive increment for completion of the B.Ed and M.A degree courses had been granted to the petitioner in the year 2011 and 2014, whereas, it had been granted to his junior in the year 2014, when admittedly the said junior was drawing a higher scale of pay. Thus, it has been stated that the same was the reason for the pay anomaly. This issue was no longer *res integra*.



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7. The same facts had been placed by the petitioner herein when there was a pay anomaly with another junior, Prabhu Sabestian and with respect to which the petitioner had filed W.P.No.34455 of 2019. It had been observed as follows:

“12. In the present case, apart from the facts which clearly demonstrates that the petitioner is Very much senior to Prabhu Sabestian both in terms of joining service and also joining the new division, the above judgment also clearly covers the facts of the present case.

13. In view of the above discussion, this Court is of the considered view that the impugned order passed by the 2nd respondent dated 19.09.2018, requires interference and accordingly the same is quashed and the petitioner is entitled to seek pay parity on par with her junior Prabhu Sabestian, who according to the petitioner is getting a higher pay. The 2nd respondent is directed to rectify the pay anomaly in the case of the petitioner accordingly, step up the pay of the petitioner on par with her junior Prabhu Sabestian and extend all the consequential benefits. Necessary orders shall be passed in this regard by the 2nd respondent within a period



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of six weeks from the date of receipt of copy of this order.”

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8. The petitioner is entitled for step up of pay equivalent to the pay of junior Mr.Dhamotharan and pay parity must be restored. The impugned order of the 2nd respondent in Na.Ka.No.0080/AA2/2022 is hereby set aside. The 2nd respondent is directed to rectify the pay anomaly in case of the petitioner and step up the pay of the petitioner on par with the junior Mr.Dhamotharan and extend all consequential benefits. Necessary orders should be passed within a period of eight weeks from the date of receipt of copy of this order.

9. This writ petition is disposed of. No costs.

19.03.2025

Neutral Citation : Yes/No.

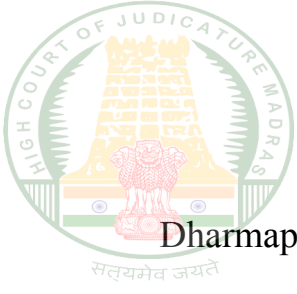
bsm

To,

1. The Director of Elementary Education,
Dr.E.V.K.S. Samlpath Salai,
College Road,
Chennai.

2. The District Elementary Educational Officer,
Dharmapuri District,

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Dharmapuri.



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3. The Block Elementary Education Officer,
Pennagaram Union,
Pennagaram (T.K),
Dharmapuri District, Dharmapuri.

4. The Government Pleader, High Court, Madras.



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C.V.KARTHIKEYAN, J.

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