

G.Sivakumar. Vs. the District Elementary Educational Officer, and anr.

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Court : Chennai

Decided On : Sep-22-2010

Judge : D.Hariparanthaman, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.No.45286 of 2006

Appellant : G.Sivakumar.

Respondent : The District Elementary Educational Officer, and anr.

Advocate for Def. : Ms.C.Devi, Adv.

Advocate for Pet/Ap. : Mr.P.Manoj Kumar, Adv.

Judgement :

1. The petitioner is a Secondary Grade Teacher in Thirupporur Panchayat Union. One Mr.V.Marimuthu is his junior. The petitioner joined the service on 27.12.1989, while Mr.V.Marimuthu joined on 07.08.1991. The petitioner was granted incentive increments for acquiring higher qualification in the year 1994. The incentive increments were paid before the revision of pay. After revision of pay, his junior viz., Mr.V.Marimuthu obtained incentive increment in the year 1996. This resulted in junior getting more pay. The request for putting the petitioner on par with his junior was rejected by the order dated 13.10.1999 of the Additional Elementary Educational Officer, Thirupporur, the second respondent herein.

2. Hence, the petitioner has filed the Original Application in O.A.No.5045 of 2000, to quash the aforesaid order dated 13.10.1999 of the second respondent and for a direction to the respondents to fix the pay of the petitioner on par with his junior V.Marimuthu and grant him all consequential benefits.

3. On abolition of the Tamil Nadu Administrative Tribunal, the matter stood transferred to this Court and renumbered as W.P.No.45286 of 2006.

4. The respondents filed reply affidavit refuting the allegations.

5. Heard Mr.P.Manoj Kumar, learned counsel for the petitioner and Ms.C.Devi, learned Government Advocate for the respondents.

6. The learned counsel for the petitioner relies on Rule 6(2) of the Tamil Nadu Revised Scales of Pay Rules, 1989, which provides for granting equal pay to the senior on par with the junior. Rule 6(2) of the Tamil Nadu Revised Scales of Pay Rules, 1989, is extracted here-under:- "In cases where a senior employee who had drawn incentive increments in the pre-revised scale and drawn more pay than his junior prior to 1st June, 1988, draws lesser pay than his junior in the revised scales of pay consequent on the sanction of incentive increments in the revised scales of pay to the junior for acquiring the same higher/qualification after introduction of revised scales of pay, then the pay of the senior may be stepped up to the level of that of the junior from the date from which the junior draws such higher pay."

7. In view of the aforesaid Rule 6(2) of the Tamil Nadu Revised Scales of Pay Rules, 1989, the impugned order is quashed and a direction is issued to the respondents to bring the pay of the petitioner on par with his junior viz., Mr.V.Marimuthu from 01.08.1996 and to pay arrears within a period of eight weeks from today.

8. The writ petition is allowed on the above terms. No costs.

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