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WP No. 29693 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.07.2026

Pronounced on : 31.07.2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 29693 of 2019

AND

WMP Nos. 32306 OF 2026, WMP NO. 29588 OF 2019

N.Dhanapalan

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep.by the Secretary to Government
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
Cuddalore, Cuddalore District.
4. The District Educational Officer
Virudhachalam 606 001,
Cuddalore District.
5. The Secretary
P.R.G.Higher Secondary School,
Kttumannarkoil and Taluk,
Cuddalore District 608 301.
6. The Accounts Officer (Pension)
The Office of the Principal Accountant General,
(Accounts and Entitlements)
361, Anna Salai, Chennai 600 018.
Tamil Nadu.

..Respondent(s)



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order in P24 /4 /12412279 / ADK dated 31.12.2015 of the 6th Respondent herein and quash the same and to direct the 5th respondent to sanction the Revised Pension by accepting the revised pension proposals of the petitioner sent by the 6th Respondent in his proceeding Na.Ka.No. 2441 / A2 / 2015 dated 28.05.2015 in pursuance of this Court in W.P.No. 16097 of 2012 dated 25.06.2012 (22nd petitioner).

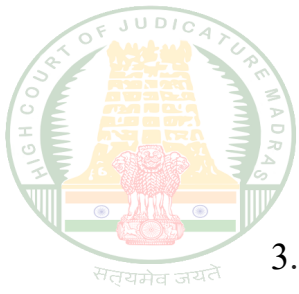
For Petitioner(s) : Mr.K.Thennan

For Respondents : Ms.Y.Kavitha
Govt.Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the records.

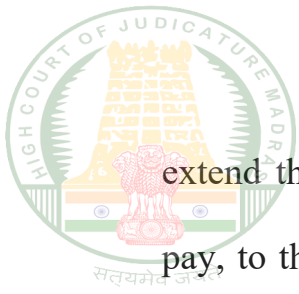
2. The petitioner by the present writ petition has sought for issuance of a writ of Certiorarified Mandamus to call for the records relating to the order in P.24/4/124/12279/ADK/dated 31.12.2015 of the sixth respondent and to quash the same with a consequential direction to the fifth respondent to sanction the revised pension by accepting the pension proposal of the petitioner sent by the sixth respondent in his proceedings dated 28.05.2015.



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3. Briefly put, the case of the petitioner is that he was appointed as a Secondary Grade Assistant Teacher on 25.07.1960 at PRG, Higher Secondary School, Kattumannar Koil, Cuddalore District; that he continued in the same post without any promotion for 36 years till 31.08.1996; that he retired on attaining the age of superannuation on 31.08.1996; and that his pensionary benefits were calculated based on the scale of pay applicable to a Secondary Grade Teacher - Special Grade.

4. The petitioner further contended that there is no promotional avenue for the post of Secondary Grade Assistant Teacher and the equivalent categories in the High Schools and Higher Secondary Schools based on their respective categories of seniority in the Special Grade of the School Education Subordinate Service Rules till date; that since there is no promotional avenue in the Special Rule, the teachers who are appointed as Secondary Grade Assistant Teacher are compelled to continue in the said category till their retirement on attaining the age of superannuation in the High schools and Higher Secondary Schools; that in the Elementary Education Department, teachers in the same categories have chances of getting promotion to the post of “Elementary School Head Master and Middle School Head Master”, thereby drawing higher scales of pay and allowances during their service carrier; that the Government noticing the aforesaid anomaly and as a measure to bring about uniformity, decided to

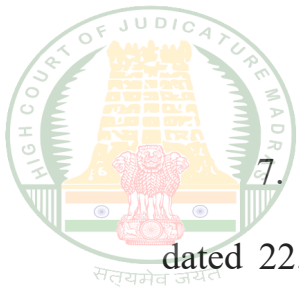


extend the benefits awarded to the Elementary School Head Masters scale of pay, to the Secondary Grade Teachers and equivalent categories serving in the High Schools and the Higher Secondary Schools with effect from 01.06.1988; that accordingly issued G.O.Ms.216 Finance (Pay Cell) Department dated 22.03.1993; that as the respondents did not extend the said benefit to the petitioner, he had submitted a representation to the Government; that on non-consideration of the said representation; the petitioner had approached this Court along with similarly placed teachers, by filing the writ petition vide W.P.No.16097 of 2012; that this Court, by order dated 25.06.2012, allowed the said writ petition on merits and directed the respondents to consider the representation of the petitioners and extend the benefit of G.O.Ms.No.216 dated 22.03.1993; that thereafter, as the respondents failed to comply with the order of this Court, the petitioner filed the contempt petition vide Contp.No.3247 of 2013; that after the petitioner filing the contempt petition, the respondents implemented the order of this Court in W.P.No.16097 of 2012 and extended the benefit of G.O.Ms.No.216, Finance Department (Pay Cell) dated 22.03.1993 by fixing the pay scale of the petitioner on par with the Special Grade Elementary School Head Master pay scale with effect from 01.06.1988 by the proceedings of the third respondent dated 20.01.2015; and that the respondents also calculated the arrears of pay and paid the same.

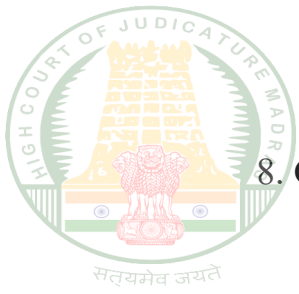


5. It is the further case of the petitioner that pursuant to the proceedings of the third respondent granting the benefit of the Scale of Pay under G.O.Ms.No.216 by placing the petitioner in the scale of pay (Selection Grade - Rs.1640-2900, Special Grade- Rs.2000 – 3200) the fourth respondent vide proceedings dated 28.05.2015 had prepared the revised pension proposal and sent the same to the sixth respondent.

6. The petitioner contended that despite the fourth respondent forwarding the proposal for revision of his pension, the sixth respondent by the impugned proceedings dated 31.12.2015 instead of granting the revised pensionary benefits on the basis of the proceedings of the third respondent dated 20.01.2015 had rejected the said proposal stating that the name of the petitioner was not available in the list of beneficiaries enclosed with G.O.No.216 Finance (Pay Cell) Department dated 22.03.1993 and G.O.Ms.No.181, School Education (S.E.3) Department dated 06.09.2023; that the aforesaid rejection by the sixth respondent is contrary to the order of this Court in W.P.No.16097 of 2012; that the sixth respondent cannot assume the role of adjudicating authority over the proceedings of the third respondent while processing the proposal forwarded to it: and thus, the impugned proceedings is not only vitiated but is also contrary to the judgement of this Court in W P.No.16097 of 2012 dated 25.06.2012.



7. The petitioner also contended that in a challenge to G.O.Ms.No.216 dated 22.03.1993 before this Court, this Court by order dated 09.12.2016 in R.A.No.227 of 2015 had directed the respondent Government to calculate and revise the pension of those who retired from service and also revise the Family Pension in respect of those who expired, based on the revised pay of scale in terms of G.O.Ms.No.216 dated 22.03.1993 payable on and from 01.03.2017; that this Court, however, restricted the said benefit only to the parties, who had approached this Court alone and further directed that no further claims to be entertained on and from 09.12.2016; that aggrieved by the said restrictions imposed by this Court while disposing of the writ petition as above, some of the parties had approached the Hon'ble Apex Court; that the Hon'ble Apex Court by order dated 03.02.2026 had modified the operative portion of the impugned order particularly para 38 (iv) and disposed of the Special Leave Petition to Appal (C) No.6006 of 2019, with a direction to the respondents therein to calculate the amount that would become payable, within the period of one month and pay the amounts so calculated within a period of three months; and thus, the said decision of this Court having become final, the respondents are required to revise the pensionary benefits of the petitioner based on the revised scale granted to him by the proceedings of the third respondent dated 20.01.2015.



8. Contending as above, the petitioner seeks for allowing the writ petition.

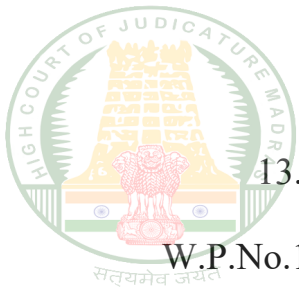
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9. Counter affidavit on behalf of the respondents is filed.

10. The learned Government Advocate appearing on behalf of the respondents, however, submits that the sixth respondent while returning the pension proposal as forwarded by the fourth respondent, had only called to take necessary action and to resubmit the proposal after rectifying the discrepancies; and thus, the impugned proceedings cannot be said to be illegal or contrary so as to warrant interference by this Court.

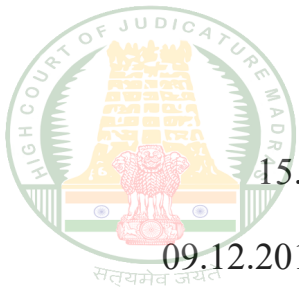
11. I have taken note of the respective contentions urged.

12. Firstly, it is to be noted that the eligibility of the petitioner for being granted the benefit of G.O.Ms.No.216 dated 22.03.1993 is not in question inasmuch as the petitioner had approached this Court by filing writ petition vide W.P.No.16097 of 2012, and this Court having passed an order therein dated 25.06.2012, and the said order having attained finality, the respondents cannot now be permitted to contend that the petitioner is not eligible for being granting benefit under G.O.Ms.No.216.



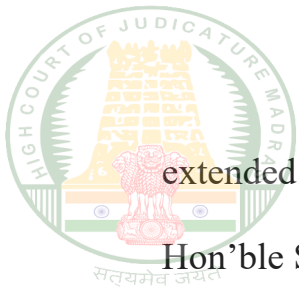
13. Further, the respondents, having accepted the order of this Court in W.P.No.16097 of 2012 dated 25.06.2012, issued proceedings dated 20.01.2015 under the signature of the 3rd respondent and placed the petitioner in the scale of scale of pay (Selection Grade - Rs.1640-2900, Special Grade- Rs.2000 – 3200). Thus, the respondents having accepted the fact of petitioner being eligible to be granted the benefit under G.O.Ms.No.216, the fourth respondent thereafter having forwarded the revised pension proposal to the sixth respondent, it would not lie on the mouth of the sixth respondent to sit in Judgment either over the order of this Court directing the respondents to grant the benefit to the petitioner or over the proposals as forwarded by the fourth respondent pursuant to the proceedings of the third respondent dated 20.01.2015.

14. The aforesaid Act of the sixth respondent in not processing the revised pension proposal as forwarded by the fourth respondent in a way amounts to the sixth respondent sitting in appeal over the decision of this Court in W.P.No.16097 of 2012 whereby this Court had directed the respondents to grant the benefit of G.O.Ms.No.216 to the petitioner. Such a course of action adopted by the 6th respondent can neither be permitted nor can be said to be a valid exercise of power by the said authority so as to receive the stamp of approval from this Court.



15. Further, The Hon'ble Full Bench of this Court, by its order dated 09.12.2016 in Rev.No.227 of 2015 in W.A.No.1755 of 2015 and W.P.No.29774 of 2015 filed by the Government, directed the Government to implement G.O.Ms.No.216 dated 22.03.1993 for the period between 01.06.1988 and 31.12.1995 on and from 01.03.2017 onwards in respect of all the Secondary Grade Teachers of High/ Higher Secondary Schools including the Special Teachers who had attained Selection Grade /Special Grade during the aforesaid period, on par with the Pay Scales of Primary School Headmasters; that this Court further directed the Government to calculate and revise the pension of those who retired from service and revise the family pension in respect of those who expired, based on the revised pay scale in terms of G.O.Ms.No.216 dated 22.03.1993 payable on and from 01.03.2017.

16. Some of the Teachers, who did not approach this Court or the petitioners in the other Writ Petitions/Writ Appeals, being aggrieved by sub clause (iv) of paragraph 38 of the Judgment of the Full Bench of this Court in R.A.No.227 of 2015 holding that no fresh writ petition would be entertained on and from 09.12.2016, approached the Hon'ble Apex Court. The Hon'ble Apex Court by order dated 03.02.2026 in Spl.Leave Petition (C) No.6006 of 2019 while not interfering with the order of Hon'ble Full Bench of this Court, only modified the operative portion of para 38(iv) in R.A.No.227 of 2015 and



extended the benefit of the order of this Court to the appellants before the Hon'ble Supreme Court.

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17. Thus, the order of Full Bench of this Court to the extent of directing the Government to implement G.O.Ms.No.216 on and from 01.03.2017 including the direction to calculate and revise the pension of those, who retired from service or revise the Family Pension in respect of those, who expired, payable on and from 01.03.2017 had become final. Thus, the respondents cannot be allowed or permitted to contend that the petitioner is not eligible for being granted the benefit of G.O.Ms.No.216.

18. Further, the third respondent pursuant to the order of this Court dated 25.06.2012 in W.P.No.16097 of 2012, having issued proceedings dated 20.01.2015 and the fourth respondent acting on the said proceedings having forwarded the relevant papers to the sixth respondent, vide its proposal dated 28.05.2015, cannot be permitted to contend of having extended the benefit of G.O.Ms.No.216, which is only on paper without actually granting the said benefit in monetary terms.

19. Since, the Full Bench of this Court having held that the benefit of G.O.Ms.No.216 is to be extended with effect from 01.03.2017, even in respect of those teachers who retired from service or revise the family pension of those



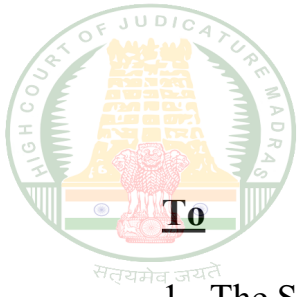
who expired, the impugned proceedings issued by the sixth respondent cannot be sustained as validly issued.

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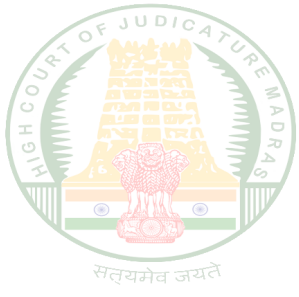
20. Accordingly, the writ petition is allowed. The impugned proceedings of the sixth respondent dated 31.12.2015 is set aside. The sixth respondent is directed to process the revised pension proposal as forwarded by the fourth respondent vide proceedings dated 28.05.2015 without raising the plea of the name of the petitioner not being included in the list of beneficiaries enclosed with G.O.Ms.No.216 dated 22.03.1993 and grant the revised pensionary benefits with effect from 01.03.2017 including payment of arrears, within a period of six weeks from the date of receipt of a copy of this Order. No order as to costs. Consequently, connected miscellaneous petitions are closed.

31-07-2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
KKD



- To**
1. The Secretary to Government,
School Education Department, Secretariat,
Fort St. George, Chennai 600 009.
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College Road, Nungambakkam,
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T.VINOD KUMAR, J.,

KKD

Pre-delivery Order in
WP No. 29693 of 2019

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