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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P. (MD) Nos.12075 & 12076 of 2015

W.P. (MD) Nos.12075 of 2015

Soundarapandian

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Education Department,
Secretariat, Chennai

2.The Director of School Education (Higher Secondary),
College Road, Chennai - 600 006.

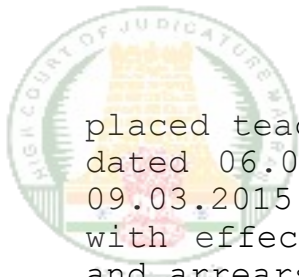
3.The Chief Educational Officer,
Palace, Ramanathapuram.Ramanathapuram District.

4.The District Educational Officer,
Paramakudi Educational District,
Paramakudi, Ramanathapuram District.

5.The Headmaster,
Government High School,
Kulathur, Paramakudi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 07.04.2014 to extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993 in the light of the orders passed by the Honourable Division Bench of this Honourable Court in WP(MD).No.8747 of 09 dated 14.7.2009 confirmed by the Honourable Apex Court in C.C.No.2746 of 2010 dated 23.4.2010 and in the light of the common order passed in WP(MD).No.9713 of 2011 and batch dated 20.12.2011 and WP(MD).No.1502 of 2014 and batch dated 4.2.2015 and in the light of G.O.Ms.No.258 Education(M1) Department dated 6.9.2010 G.O.Ms.No. 284 Education (M1) Department dated 30.9.2010 as given to the similarly



placed teachers under G.O.Ms.No.180 School Education 3(1) Department dated 06.09.2013 and G.O.Ms.No.62 Finance (CMPC) Department, dated 09.03.2015 and accordingly to award Selection Grade Scale of pay with effect from 17.06.1990 and to pay revised pensionary benefits and arrears to the petitioner within stipulated time.

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W.P. (MD) Nos.12076 of 2015

P.Chidambaranathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Education Department,
Secretariat, Chennai.

2.The Director of School Education (Higher Secondary),
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Madurai District, Tallakulam, Madurai.

4.The District Educational Officer,
Melur Education District,
Melur, Madurai District.

5.The Headmaster,
Government Higher Secondary School,
Thiruvathavur,
Madurai District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 20.6.15 to extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993 in the light of the orders passed by the Honourable Division Bench of this Honourable Court in WP(MD).No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Apex Court in C.C.No.2746/2010 dated 23.4.2010 and in the light of the common order passed in WP(MD).No.9713 of 2011 and batch dated 20.12.11 W.A.No.352/14 and batch dated 4.2.15 and in the light of G.O.Ms.No.258 Education(M1) Department dated 6.9.10 G.O.Ms.No.284 Education (M1) Department dated 30.9.2010 as given to the similarly placed teachers under G.O.Ms.No.180 School Education3(1) Department dated 09.03.2015 and accordingly to award selection grade scale of pay with effect from 22.11.1989 and to pay revised pensionary benefits and arrears to the petitioner within stipulated time.



For Petitioners : Mr..Arul Vadivel alias Sekar
(in both WPs)
For Respondents: Mr.V.R.Shanmuganathan, SGP.
(in both WPs)

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COMMON ORDER**(Order of this Court was made by S.MANIKUMAR, J.)**

Earlier, in W.A.(MD).Nos.351 of 2014 etc. batch, on 04.06.2015, we have passed the following orders:-

"Government have issued G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015. Writ Petitions have been filed for extension of the benefits under the said Government Order. When the same were dismissed, Writ Appeals were filed. During the pendency of the Writ Appeals, several Writ Petitions, claiming extension of the benefits of the said Government Order, filed were also tagged. After, hearing the learned counsel for the parties and State and after considering a catena of judgments, a Hon'ble Division Bench of this Court, in **G.Easwaran V. The Government of Tamil Nadu (DB)** reported in **2015 (1) CWC 337**, at paragraphs 22 to 24 held as follows:-

"22. In this context, we feel it appropriate to refer to a recent decision of the Supreme Court in State of Uttar Pradesh and others v. Arvind Kumar Srivastava and others, 2015 (1) SCC 347, wherein, the Apex Court dealt with the issue as to the entitlement of benefit of judgment *in rem* with an intention to benefit all similarly situated persons irrespective of whether they had approached the Court or not. It is held therein that when a particular set of employees is given relief by Court, all other identically situated persons should be treated alike by extending the same benefit, since not doing so would amount to discrimination and be violative of Article 14 of the Constitution of India.

23. It is true, implementation of the Government Order in question to the teachers/individuals will cause enormous burden to the State exchequer and it is, certainly, a matter for concern. However, the views taken by the earlier Benches of this Court for extending the benefit to the employees therein are equally applicable to these cases in hand, as these individuals also are similarly placed to those in the earlier litigations. But, the only point to be considered in these cases is, the individuals have approached the Court belatedly, which delay, according to them, was due to the pendency of the decision in those matters. However, as regards the claim of arrears for the period taken by the individuals in these matters in making a belated approach, we are not inclined to pass any orders. Therefore, we leave it open to the State to take a decision as to the period of entitlement with regard to the said issue in accordance with law.



24. Subject to the above observation, following the Division Bench decision of this Court in W.P.No.8747 of 2009, dated 14.07.2009, and also the subsequent decision of the Supreme Court in Special Leave Petition in C.C.No.2746 of 2010, dated 23.04.2010, there Writ Appeals and Writ Petitions are allowed to the extent indicated. No costs. Consequently, the connected M.Ps. are closed."

2. Government have issued G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015 revising scales of pay for Selection Grade/Special Grade, which is reproduced hereunder;-

	Pre-revised scale of pay (01-01-1996)	Revised scale of pay (01-01-2006)
Secondary Grade Teacher	4500-7000	5200-20200 + Grade Pay of Rs.2800
Headmaster Primary School	5300-8300	9300-34800 + Grade pay of Rs.4300

3. After verifying the averments made in the Writ Appeals/Writ Petitions, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the State, submitted that in all the cases mentioned above (249 cases), Teachers are eligible to the benefits conferred of the said Government Order.

4. In the light of the above, the Government and official respondents are directed to extend the benefits to the Teachers as per the above said Government Order. Re-fixation and disbursement of arrears of salary shall be done, within a period of four months from the date of receipt of a copy of this order, after due verification of the service particulars of the Teachers. All the Writ Petitions/Writ Appeals/Review Application are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed."

3.After verifying the averments made in the Writ PetitionS, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the State, submitted that in both the cases mentioned above, Teachers are eligible to the benefits conferred of the said Government Order.

4.In the light of the above, the Government and official respondents are directed to extend the benefits to the Teachers, as per the above said Government Order. Re-fixation and disbursement of arrears of salary shall be done, within a period of four months from the date of receipt of a copy of this order, after due verification of the service particulars of the Teachers.



5. The Writ Petition is disposed of with the above directions. No costs.

sd/-

Assistant Registrar

/True copy/

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Sub Assistant Registrar

mpk

To

1. The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Education Department Secretariat, Chennai
 2. The Director of School Education (Higher Secondary),
College Road, Chennai - 600 006.
 3. The Chief Educational Officer, Palace, Ramanathapuram.
 4. The District Educational Officer,
Paramakudi Educational District,
Paramakudi, Ramanathapuram District.
 5. The Chief Educational Officer,
Madurai District, Tallakulam, Madurai.
 6. The District Educational Officer,
Melur Education District, Melur, Madurai District.
 7. The Headmaster,
Government Higher Secondary School,
Thiruvathavur, Madurai District.
 8. The Headmaster,
Government High School,
Kulathur, Paramakudi Taluk, Ramanathapuram District.
- +one cc to Mr.C.Arul Vadivel@sekar ,Advocate in SR.No.42738/15.
+one cc to Mr.C.Arul Vadivel@sekar ,Advocate in SR.No.42739/15.
+one cc to The Special Government Pleader, SR.No.43939/15

W.P.(MD)Nos.12075 & 12076 of 2015

31.07.2015

cs1/20.08.2015

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