



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.MANIKUMAR**  
**and**  
**THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM**

W.P. (MD) Nos.3515 & 3516 of 2014

1.V.Sahayavalli ... Petitioner in WP.3515/2014  
2.S.Ramasamy ... Petitioner in WP.3516/2014

Vs.

1.The State of Tamil Nadu,  
Represented by  
The Secretary to Government,  
Finance (Pay Cell) Department)  
Secretariat, Chennai - 600 009.

2.The State of Tamil Nadu,  
Represented by its  
Secretary to Government,  
Education Department, Secretariat,  
Chennai - 600 009.

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

4.The Chief Educational Officer,  
Virudhunagar District.

5.The District Educational Officer,  
Virudhunagar District.

... Respondents in both Wps.

**PRAYER:** The Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend to the petitioners all the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, to the petitioner in the light of the orders passed by the Division Bench of this Court in W.P. (MD)No.8747 of 2009, dated 14.07.2009, confirmed by Hon'ble Apex Court in C.C.No.2746 of 2010 and in the light of the G.O.Ms.No.258 Education (M1) Department dated 6.9.2010 and G.O.Ms.No.284 Education (M1) Department dated 30.09.2010 and accordingly to award Selection / Special Grade Pay to the petitioner with effect from 1.6.1988 till the date of retirement and to revise the pensionary benefits accordingly and arrears to be paid to the petitioner.



(in both Wps.)

**ORDER**

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

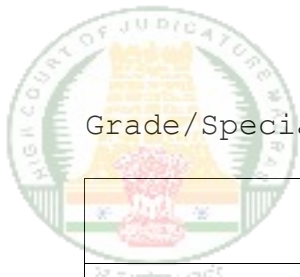
Earlier, in W.A.(MD).Nos.351 of 2014 etc. batch, on 04.06.2015, we have passed the following orders:-

"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."



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."

2. Since the petitioners are stated to be eligible for extension of the benefits, in terms of G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015, therefore the educational authorities are directed to revise the pay and consequently, revise the pension and pass appropriate orders, within four months from the date of receipt of a copy of this order.

3. With the above direction, the Writ Petitions are disposed of, No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

mpk

To

1.The Secretary,  
The Government of Tamil Nadu,  
Department of School Education,  
Fort St.George,  
Chennai - 600 009.

2.The Director of School Education,  
College Road,  
Chennai - 600 006.



3.The Secretary to Government,  
Finance (Pay Cell) Department)  
Secretariat, Chennai - 600 009.

4.The Chief Educational Officer,  
Virudhunagar District.

5.The District Educational Officer,  
Virudhunagar District.

+2CC to Mr.D.Sakkaravarthi Advocate Sr.No.43428, 43088

+1CC to Spl.Government Pleader Sr.No.43928

GJM/DP-JGB-16.9.15-4P-9C

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