



WEB COPY

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)No.6730 of 2015

and

M.P (MD)No.1 of 2015

R.Vijayalakshmi

... Petitioner

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

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, filed Mandamus calling for the records of the 1st respondent in Lr.No.12591/Pa.Ka.3(1)/2014-1, dated 15.04.2014 and quash the same, as illegal and consequently, directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department to the petitioner, in the light of the orders passed by the Hon'ble 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 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.

For Petitioner : Mr.D.Sakkaravarthi



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."

5.After verifying the averments made in the Writ Petition, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the State, submitted that in in the case mentioned above, Teacher is eligible to the benefits conferred of the said Government Order.

6.In the light of the above, the Government and official respondents are directed to extend the benefits to the Teacher, 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 Teacher.

7. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2.The Secretary to Government,
<https://hcservices.ecourts.gov.in/hcservices/>
Education Department, State of Tamil Nadu,
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.

+1cc to M/S.D.SAKKARAVARTHI, Advocate in SR.No 43089

+1cc to Special Government Pleader in SR.No. 43929.

TS/07.09.2015/4P - 8C AAL-MPA/SAR - II

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