



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.05.2015
C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

Writ Petition (MD) No.8511 of 2015
in
MP(MD) NO.2 of 2015

- 1.G.Saroja
- 2.R.Pannir Selvam
- 3.D.Annamalai
- 4.M.Ruby Mohandoss
- 5.S.Stanislaus
- 6.S.Jothi
- 7.S.M.Thangaraj
- 8.Mangalam
- 9.R.Vedavally
- 10.V.Sivanesan
- 11.C.Thiyagarajan
- 12.V.Jayagantham
- 13.K.Rajalakshmi
- 14.V.Bhaskaran
- 15.M.Subramanian
- 16.C.Govindaraj
- 17.R.Sundaravadivelu
- 18.R.Lalitha
- 19.t.Pethaperumal
- 20.S.Elangovan
- 21.R.Saraswathi
- 22.V.Rajendran
- 23.V.Baskaran
- 24.M.Kousalya
- 25.R.Jayaraman
- 26.S.Thamilarasi
- 27.G.Loganayaki
- 28.G.Selvam
- 29.M.Murugan
- 30.V.Kandasamy
- 31.H.Mani
- 32.V.Manivannan
- 33.A.Thangammal
- 34.S.Anjana
- 35.S.Samudi
- 36.P.Chinnaperumal
- 37.K.G.Perumal
- 38.A.Periasamy
- 39.N.Thirumalai Chetty
- 40.S.Natarajan
- 41.K.Veeramuthu
- 42.S.A.Ourshida Banu

... Petitioners



Vs.

1.State of Tamil Nadu,
Rep by the Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai 9.

2.State of Tamil Nadu,
Rep by the Secretary to Government,
Education Department,
Secretariat, Chennai 9.

3.The Director of School Education,
College Road,
Chennai 6.

4.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

5.The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.

6.The Chief Educational Officer,
Thanjavur District,
Thanjavur.

7.The Chief Educational Officer,
Vellore District,
Vellore.

8.The Chief Educational Officer,
Villupuram District,
Villupuram.

..

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to pay all the monetary and service benefits to the petitioners under G.O.Ms.No.216, Finance (Pay Cell) Department dated 22.03.1993 irrespective of para 6.3 of G.O.Ms.No.69, School Education (M1) Department dated 18.04.2013.

For Petitioner
For Respondents

: Mr.R.Singaravelan
: Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

This Writ petition has been filed by a group of persons seeking Writ of Mandamus directing the respondents to pay all the monetary and service benefits to the petitioners under G.O.Ms.No.216, Finance (Pay Cell) Department dated 22.03.1993 irrespective of para 6.3 of G.O.Ms.No.69, School Education (M1) Department dated 18.04.2013.



2. When the matter came up for hearing, learned counsel for the petitioner submitted that the issue as to whether the petitioners who have rendered services as teachers are entitled to get the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department dated 22.03.1993 has already been decided and the issue is no longer *res integra*.

3. In support of his contention, he relied upon a decision of this Court reported in 2015(1) CWC 337 (G.Easwaran Vs. The Government of Tamil Nadu) wherein this Court has held as follows:-

"3. In the result, both the applications are allowed and the respondents are directed to refix the scale of pay of the applicants as Rs.2000-3200 with effect from 1.6.1988 in terms of G.O.Ms.No.216, Finance (PC) Department dated 22.3.93. All the pay arrears are to be disbursed within a period of three months from the date of receipt of a copy of this order."

Aggrieved over the said order of the Tribunal, the State filed W.P.No.8747 of 2009, which was dismissed by the Division Bench, as extracted above.

19. The learned single Judge, in the order impugned, has held that the order in O.A.No.8276 of 1997, which in turn, was confirmed by the Apex Court on 23.04.2010 in S.L.P.(CC) No.2746 of 2010 is binding between the parties and the State is bound to implement the order and that the Government issued G.O.Ms.No.258, School Education Department, dated 04.09.2010 implementing the order of the Tribunal in O.A.No.8276 of 1997 after it lost before the Apex Court and also that the other orders passed by this Court following the judgment in W.P.No.9747 of 2009 is binding between the parties to those orders. The learned single Judge further held that the same cannot be relied on by the petitioners to claim, as a matter of right, the Selection Grade/Special Grade pay of Primary School Headmaster, particularly, in view of the judgment of the Apex Court in Director of School Education in A.N.Kandaswamy and Another reported in (1998) 8 SCC 26 and the judgment of the Division Bench of this Court in Director of School Education and Another v. R.S.Srinivasan and another, reported in 2004 WLR 526.

4. In view of the above position, the request made by the learned Government Advocate that the matter to be tagged along with some other connected pending matters is rejected as the matter has already been decided by this Court once and for all.

5. Accordingly, the writ petition is allowed and the respondents are directed to pay the service benefits to the petitioners as per the decision of this Court cited supra. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar(AE)

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To

1.The Secretary to Government,
State of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat, Chennai 9.

2.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Secretariat, Chennai 9.

3.The Director of School Education,
College Road,
Chennai 6.

4.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

5.The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.

6.The Chief Educational Officer,
Thanjavur District,
Thanjavur.

7.The Chief Educational Officer,
Vellore District,
Vellore.

8.The Chief Educational Officer,
Villupuram District,
Villupuram.

+1cc to M/S.D.SELVANAYAGAM, ADVOCATE SR.NO.26074

+2CC TO THE SPL.GOV.T.PLEADER SR.NO.26242 & 26254

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SMS

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