

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1442 of 2017
and
C.M.P.No.19375 of 2017

- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Chief Educational Officer,
Madurai, Madurai District. Appellants/Respondent

-vs-

1. M.Pushpavalli
2. K.Shanmugam
3. M.Vasudevan Respondents/Writ Petitioners

Appeal filed filed under Clause 15 of the Letters Patent,
against the order passed by this Court in W.P.No.4045 of 2012
dated 25.04.2012.

Prayer in WP.NO.4045 of 2012:

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the impugned orders of the first respondent Letters No.39631/ M1/ 2011 dated 4.7.2011 and quash the same as illegal consequently direct the respondents to extend the benefit of G.O.Ms. No.216 Finance (PC) Department dated 22.3.1993 and G.O.Ms. No.270 Finance (PC) Department dated 26.08.2010 in the light of the Orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Supreme Court of India in CC No.2746/2010 dated 23.4.2010 and accordingly award Selection/ Special Grade Scale of Pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners

For Appellants :: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R2 :: Ms.M.Kavitha for
Mr.R.Sreedharan

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal is filed against the order passed by a learned single Judge of this Court dated 25.4.2012 in W.P.No.4045 of 2012. The said writ petition was filed with a prayer to quash the proceedings of the first appellant herein in Letter No.39631/M1/2011 dated 4.7.2011 as illegal and consequently, direct the appellants herein to extend the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and G.O.Ms.No.270 Finance (PC) Department dated 26.8.2010 in the light of the orders of the Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Supreme Court of India in C.C.No.2746 of 2010 dated 23.4.2010 and accordingly, award Selection / Special Grade scale of pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the writ petitioners.

2.The issue involved in the writ petition is with regard to extension of the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and G.O.Ms.No.270 Finance (PC) Department dated 26.8.2010 and award Selection / Special Grade scale of pay with effect from 1.6.1988 and revise the pensionary benefits and to pay any arrears to the writ petitioners. By order dated 25.4.2012, the learned single Judge has directed the Government, the appellants herein, to extend the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and G.O.Ms.No.258, School Education (M1) Department, dated 06.09.2010 to the petitioners therein in the light of the order of the Division Bench of this Court in W.P.No.8747 of 2009 dated 14.07.2009 as confirmed by the Hon'ble Apex Court in C.C.No.2746 of 2010 dated 23.04.2010 and also in the light of the order passed by this Court dated 20.12.2011 made in W.P.(MD)Nos.9713 to 9718 of 2011 etc. batch, within a period of twelve weeks from the date of receipt of a copy of the order. Challenging the said order, the State has come up with this appeal.

3. Today, when this writ appeal is taken up, the learned Special Government Pleader appearing for the appellants brought to the notice of this Court that the issue relating to G.O.Ms.No.216 dated 23.03.1993 has been succinctly dealt with by a Full Bench of this Court in a batch of cases, viz. Rev.Aplc.No.227 of 2015, etc. batch, and a common order was passed therein on 09.12.2016, categorically holding as under:

"i)The Government is directed to implement

the G.O.Ms.No.216, dated 22.3.1993 for the period between 1.6.1988 and 31.12.1995, on and from 1.3.2017 onwards in respect of all the Secondary Grade Teachers of High/Higher Secondary Schools including the Special Teachers who attained Selection grade/Special Grade during the above said period, on par with the pay scale of Primary School Headmasters;

ii)Consequently, the Government shall 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 scales of pay in terms of G.O.Ms.No.216, dated 22.3.1993 payable on and from 1.3.2017;

iii)It is made clear that the beneficiaries under this order, are not entitled to the arrears of revised pay scales;

iv)It is further made clear that the benefits as directed above, shall be extended to the parties who are before this Court alone and and no fresh Writ Petitions would be entertained on and from 09.12.2016;

v)The Government is directed to expedite the process of calculating and fixing the revised pension and family pension and we do hope that the Government will complete the same as early as possible without making any further delay;

vi)... .. "

Stating so, the learned Special Government Pleader submitted that the present writ appeal may be disposed of on the same terms as held by the Full Bench, for which the learned counsel for the respondents has fairly acceded to.

4.In view of the above settled position, the present writ appeal is disposed of on the same terms as held by the Full Bench of this Court in the common order made in Rev.Aplc.No.227 of 2015, etc. batch, dated 09.12.2016. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ssk.

To

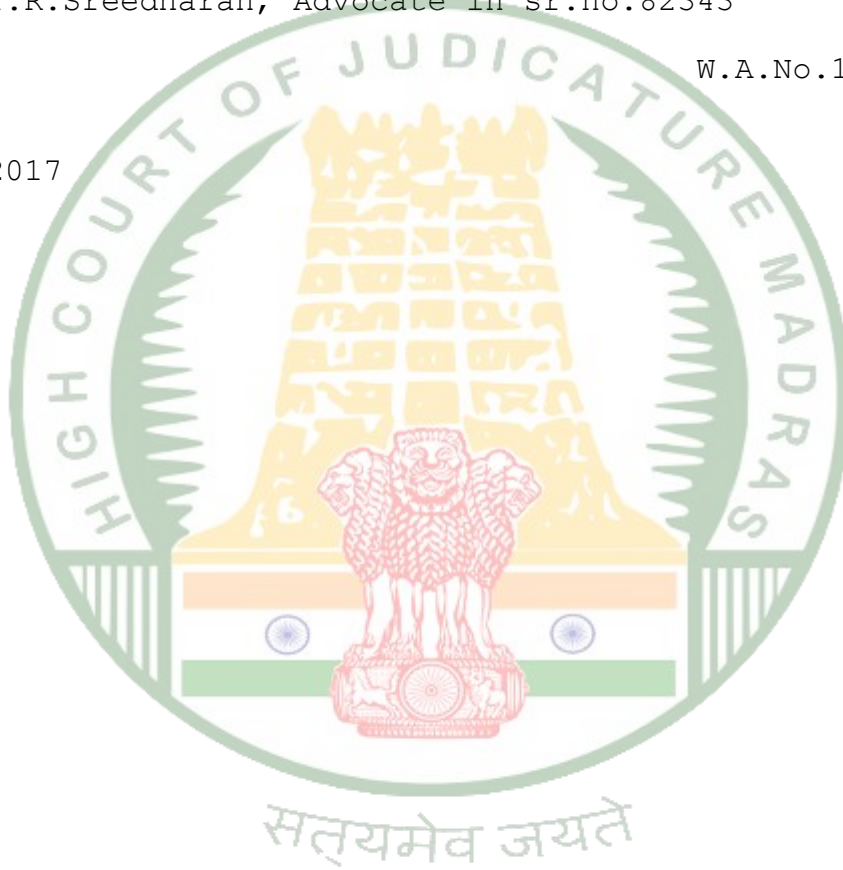
1.The State of Tamil Nadu,
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2.The Chief Educational Officer,
Madurai, Madurai District.

+lcc to Mr.R.Sreedharan, Advocate in sr.no.82343

W.A.No.1442 of 2017

MR(CO)
NR 27/12/2017



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