

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1757 of 2017

1. Smt.S.Samathanarani
2. S.R.Megala
3. K.Ameena Begam
4. H.Alamelu
5. N.Thomas Britto
6. H.Savithri
7. R.Nagarajan
8. S.Susila
9. P.Subalakshmi
10. M.Arockia Mary
11. Mrs.V.Lakshmi
12. K.Shanmugasundaram
13. D.R.M.Subramanian (Deceased)
14. S.Azhagappan
15. Mrs.N.Valliammai
16. Mrs.M.Lakshmi
17. Mrs.P.Deivanai
- (Appellants 14 to 17 are LRs of
the deceased 13th appellant)
18. K.Pushpam
19. P.Subramanian
20. G.Devika Rani

.. Appellants

Vs.

1. The State of Tamilnadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Chief Education Officer,
Sivagangai, Sivagangai District.

..Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 18.11.2013 passed in W.P.No.12464 of 2013 on the file of this court.

W.P.No.12464 of 2013:

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the 1st respondent to implement the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993 and fix the petitioner Scale of Pay in Selection/ Special Grade in the Time Scale of Pay of Rs.1640-60-2300-75-2900 and Rs.2000-60-2300-75-3200 respectively with effect from 1.6.1988 and revision of pensionary benefits and pay arrears to the petitioners together with interest at the rate of 18% and grant all pensionary benefits by considering the representations made by them on 13.3.2013.

For appellants : Mr.P.Deivendra
For respondents : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The issue raised in this writ appeal is squarely covered by the Full Bench judgment of this Court dated 9.12.2016 made in Review Application Nos.227 of 2015 in W.A.Nos.352 of 2014 etc., batch (Government of Tamil Nadu represented by its Secretary, School Education Department, Chennai and others v. G.Eswaran and others), wherein the Full Bench has directed as follows:-

"38. Today, when the matters are taken up for consideration, keeping in mind the financial strain that would fall on the State exchequer in the event of implementation of the G.O., and in order to give a quietus to the issue, we feel it appropriate to fix the date as 01.03.2017 from which date onwards, the Government shall calculate and revise the pension and family pension (without arrears) based on the revised scales of pay by implementing the G.O., for which, the learned Advocate General and the learned counsels appearing for the Teachers have fairly acceded to the same. Accordingly, we pass the following:

(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 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) All the matters which are at SR stage and listed before this Court are also ordered and disposed of by this common order and consequently, connected MPs thereof, are ordered;

39. With the above directions, all the captioned matters, viz., Writ Appeals, Writ Petitions, Review Applications are disposed of and the Contempt Petitions are closed. There shall be no order as to costs. Consequently, all connected Miscellaneous Petitions are closed."

3. Accordingly, this writ appeal stands disposed of in terms of the judgment of the Full Bench as mentioned above. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Chief Education Officer,
Sivagangai, Sivagangai District.

+1 CC to Mr.P. Deivendran, Advocate sr 91647.
+1 CC to Govt. Pleader sr 91954.

W.A.No.1757 of 2017

SK(CO)
SP(07/02/2018)



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