

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

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

W.A.No.609 of 2017

T.Sundararajan

... Appellant

-Vs-

1. The State of Tamil Nadu,
rep.by the Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai-600 009.
2. The State of Tamil Nadu,
rep.by the Secretary to Government,
Education Department,
Secretariat, Chennai-600 009.
3. The Director of School Education,
College Road, Chennai-600 006.
4. The Deputy Commissioner (Education),
Education Department,
Corporation of Chennai,
Ripon Building, Chennai-3.

... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.4463 of 2017 dated 22.02.2017.

W.P.No.15282 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to pay all the Monetary and Service benefits available to the Petitioner under G.O.Ms.No.216 Finance(Pay Cell) Department, dated 22.03.1993 with all monetary and Service benefits.

For Appellant : Mr.R.Singaravelan, Senior Counsel
for Ms.M.Srividhya

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

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

By consent, the writ appeal is taken up and being disposed of in the admission stage itself.

2.This appeal has been filed against the order passed by this Court in W.P.No.4463 of 2017 dated 22.02.2017, wherein the prayer of the appellant / petitioner to direct the respondents to pay all the monetary and service benefits available to him under G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, was rejected, relying on the Full Bench judgment of this Court in Review Application No.227 of 2015 etc.batch, dated 09.12.2016, which is reported in 2017 (2) MLJ 257 (The Government of Tamil Nadu vs. G.Eswaran).

3.The learned senior counsel appearing for the petitioner submitted that even after the dismissal of the cases by the Hon'ble Full Bench of this Court on 09.12.2016 which was referred to by the learned single Judge while dismissing the writ petition under challenge, similar writ petitions were filed and notices were ordered in W.P.Nos.44786 and 44696 of 2016 and also in a batch of writ petitions. Though G.O.Ms.No.216 dated 22.03.1993 was passed extending the benefit given to the Office Assistant and Basic Servants to all the Secondary Grade Teachers, it was not implemented uniformly for all. He further submitted that the said Full Bench judgment is proposed to be challenged before the Hon'ble Supreme Court and hence the writ petition filed by the appellant before this Court ought not to have been dismissed in limine without even waiting for the outcome of the case.

4.Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondents and submitted that the order passed by this Court in the writ petition is in accordance with law and the same need not be interfered with.

5.Heard both the sides and perused the materials available on record.

6.It is seen that referring to the Full Bench judgment of this Court in Review Application No.227 of 2015 etc.batch, dated 09.12.2016, which was reported in 2017 (2) MLJ 257 (The Government of Tamil Nadu vs. G.Eswaran), the prayer of the petitioner to direct the respondents to pay all the monetary and service benefits available to him under G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, was rejected. Further it is seen that an order has been obtained from the concerned Tribunal to consider the claim of some similarly placed persons like that of the appellant, in the light of G.O.Ms.No.216, but the same was not implemented. The order of the Full Bench is

only to be made applicable for pending cases before this Court and not to others. Further, many cases relating to this issue are pending before this Court. In such circumstances, if the order passed by this Court in W.P.No.4463 of 2017 dated 22.02.2017 is set aside, and if this writ appeal is entertained, it will amount to opening the pandora's box, as the matter has already been clarified by the Full Bench of this Court. Hence this writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat, Chennai-600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Education Department,
Secretariat, Chennai-600 009.
3. The Director of School Education,
College Road, Chennai-600 006.
4. The Deputy Commissioner (Education),
Education Department,
Corporation of Chennai,
Ripon Building, Chennai-3.

+1cc to Mr.M.Srividhya, Advocate, S.R.No.42478

W.A.No.609 of 2017

AD(CO)
CA(04/07/2017)