

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN  
AND  
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Appeal No.69 of 2017  
and  
C.M.P.No.1149 of 2017

- 1.The State of Tamil Nadu,  
represented by the Secretary to Government,  
School Education Department,  
Fort St.George, Chennai-600 009.
- 2.The Director of School Education  
(Higher Secondary), College Road,  
Nungambakkam, Chennai-600 006.
- 3.The Chief Educational Officer,  
Kancheepuram, Kancheepuram District. ...Appellants/Respondents

-vs-

S.Samuel ... Respondent

Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 03.04.2012 passed by this Court in W.P.No.8722 of 2012.

W.P.8722/2012

This Writ petition filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified mandamus to call for all the relevant records pertaining to the order passed by the 1st respondent herein vide his proceedings No. Letter No. 39631/M1/2011 dated 15.04.2011 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to Extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 and accordingly award Selection/Special Grade scale of pay with effect from 01.06.1988 and revise Pensionary benefits and pay arrears to the petitioners.

For Appellants : Mr.V.Anandhamurthy,  
Additional Government Pleader

For Respondent : Mr.V.Thirupathi

#### JUDGMENT

(Judgment of the Court was delivered by B.RAJENDRAN, J.)

This writ appeal is filed against the order passed by a learned single Judge of this Court dated 03.04.2012 in W.P.No.8722 of 2012. The said order was passed in the above said writ petition along with other 9 similar writ petitions, wherein 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, to the petitioners therein and also to revise their pensionary benefits and to pay arrears.

2.Today, when this writ appeal is taken up, the learned Additional 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 Additional 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 respondent has fairly acceded to.

3.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/  
Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

KM  
To

1.The Secretary to Government,  
Government of Tamil Nadu,  
School Education Department,  
Fort St.George, Chennai-600 009.

2.The Director of School Education  
(Higher Secondary), College Road,  
Nungambakkam, Chennai-600 006.

3.The Chief Educational Officer,  
Kancheepuram, Kancheepuram District.

+1cc to Government Pleader Sr.No.7739/17

Writ Appeal No.69 of 2017  
and  
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SR(CO)  
GN(27/02/2017)