

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.70 of 2017
and
C.M.P.No.1151 of 2017

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

-vs-

A.Muthuswami .. Respondent

Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 16.04.2012 passed by this Court in W.P.No.10299 of 2012.

Prayer in Writ Petition:

Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorified Mandamus praying to direct the 2nd respondent to call for the records on the file of the second respondent in connection with the order passed by her in her proceedings in Letter No. 39631/M1/2011 dated 15.4.2011 and quash the same and direct the respondents to pay the monthly benefits as per the Order passed by the first respondent in G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.3.1993 270 Finance (PC) Department dated 26.8.2010 and also as per the Order of the Honourable Division Bench in W.P.No.17187 of 2003

dated 28.11.2007 confirmed by the Honourable Apex Court in S.L.P. Civil CC.No.2746 of 2010 dated 23.4.2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and service benefits.

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 16.04.2012 in W.P.No.10299 of 2012. The said order was passed in the above said writ petition along with other 20 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 and G.O.Ms.No.270, Finance (PC) Department, dated 26.08.2010, 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.

s/d-
Assistant Registrar (CS-II)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St.George, Chennai-600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Education Department,
Fort St.George, Chennai-600 009.

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

4. The District Educational Officer,
Tiruppur District, Tiruppur.

+1 CC to The Govt. Pleader sr 7740

Writ Appeal No.70 of 2017
and
C.M.P.No.1151 of 2017

GMI (CO)
sp/28/2



WEB COPY