

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.894 of 2017

1. The State of Tamil Nadu
rep.by the Secretary to Government
Finance (Pay Cell) Department
Fort St.George, Chennai-9
 2. The State of Tamil Nadu
rep.by the Secretary to Government
Education Department
Fort St.George, Chennai-9
 3. The Chief Educational Officer
Vellore District
 4. The Chief Educational Officer
Sivagangai District
 5. The Chief Educational Officer
Villupuram District
 6. The Chief Educational Officer
Cuddalore District
 7. The Chief Educational Officer
Nagapattinam District
 8. The Chief Educational Officer
Virudhungan District
 9. The Chief Educational Officer
Salem District
 10. The Chief Educational Officer
Thanjavur District
- .. Appellants/Respondents

-vs-

1. A.Joseph
2. R.Jayalakshmi
3. R.Jayapal

4. E.Thiagarajan
5. C.Jayaraman
6. C.Minor
7. M.Sivagamasundari
8. C.Uthirapathi
9. S.Antony Xavier
- 10.M.Kannaiyan
- 11.T.Arokiasamy
- 12.S.Richard Mohanraj
- 13.J.E.Esther Rajamani
- 14.R.Bharathi
- 15.R.Thillaigovindan
- 16.N.Suseela
- 17.M.R.Rajalakshmi
- 18.K.Baby
- 19.K.Vijaya Kumari
- 20.M.Saraswathi
- 21.S.Meenakshisundaram
- 22.R.Ambujam
- 23.V.Kannan
- 24.C.Sami Kannu
- 25.R.Palanisamy
- 26.M.Sathiyavasani
- 27.K.Mythile
- 28.A.Murugavel
- 29.N.Rani
- 30.G.Antoniammal
- 31.S.Gandhimathi
- 32.K.Muthu Krishnan
- 33.C.V.Niraimathi
- 34.R.Maria Susai
- 35.D.Kalaimani
- 36.S.Kalaiganam
- 37.A.Damayanthi
- 38.V.S.Thavamani

.. Respondents/Petitioners

Appeal under Clause 15 of the Letters Patent, against the order dated 16.05.2013 made in W.P.No.10964 of 2013.

Prayer in W.P.No.10964 of 2013:

Writ of Mandamus directing the respondents to implement GOMS No 216 Finance(Pay Scale) Department dated 22.03.1993 and pay the arrears to all the petitioners and monthly pension as per para 3(i) of GO Ms No 216 Finance (Pay Scale) Department dated 22.03.1993 immediately with reasonable interest.

For Appellants ::Mr.V.Jayaprakash Narayanan
Special Government Pleader

For Respondents::Ms.M.Srividhya for RR1 to 20, 22, 23,
25 to 33 & 35 to 38
RR21, 34, 24-Notice served

JUDGMENT

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

Heard the learned Special Government Pleader for the appellants and the learned counsel representing the respective respondents.

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, C.M.P.No.12573 of 2017 is closed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

SS

To

1. The Secretary to Government
Finance (Pay Cell) Department
Fort St.George
Chennai 600 009

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SKS (CO)
sp(04/09/2017)

W.A.No.894 of 2017

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