

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30382 of 2013

1.Chandra
2.Velayutham
3.R.Arulmary
4.S.Mary Dennis Alexandriyal
5.Smt.Queen Mary Elizabeth
6.A.Pushpam
7.S.Rajamani ..Petitioners

Vs

1.The Government of Tamil Nadu
Represented by its Secretary
School Education Department
Fort St. George
Chennai - 600 009
2.The Director of School Education
Higher Secondary College Road
College Road
Chennai - 600 006
3.The Chief Educational Officer
Tirunelveli ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to extend the benefits of G.O.Ms.No.216,Finance (PC) Department dated 22.02.1993 in the light of the orders of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Hon'ble Supreme Court of India in C.C.No.2746 of 2010 dated 23.04.2010 and accordingly Award Selection/Special Grade Scale of Pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners.

For Petitioners : Mr.P.Britto

For Respondents : Mr.K.Thangapandi

C O M M O N O R D E R

The relief sought for in this writ petition is for a direction to the respondents to extend the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.3.1993 with regard to granting of Selection and Special Scale of pay to the petitioners.

2. A Full Bench of this Court in Rev.Appl.No.227 of 2015 in W.A.No.352 of 2014 etc, batch, by order dated 09.12.2016, considered all the issues involved in relation to the said Government Order in G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.3.1993. For better appreciation, the relevant paragraphs of the Full Bench judgment is extracted hereunder:

"38....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;"

3.In the aforesaid paragraphs, the Full Bench of this Court made it clear that no fresh writ petitions would be entertained on and from 9th December, 2016. Admittedly, this writ petition on hand was filed on 07.11.2013. Thus, this writ petition is liable to be considered in accordance with the legal principles settled by the Full Bench of this Court in Rev.Appl.No.227 of 2015 in W.A.No.352 of 2014 etc., batch, dated 09.12.2016.

4.Accordingly, this Writ Petition stands allowed in terms of the said Full Bench judgment cited supra. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gpa

To

1.The Secretary
School Education Department
Fort St. George
Chennai - 600 009

2.The Director of School Education
Higher Secondary College Road
College Road
Chennai - 600 006

3.The Chief Educational Officer
Tirunelveli

+1cc to Mr.P.Britto, Advocate SR.No.80383
+1cc to Government Pleader SR.No.80915

W.P.No.30382 of 2013

GN(30/11/2017)