

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.18440 of 2017

V.L.Shafeequa Banu

...Petitioner

Versus

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government
School Education Department
Secretariat, Fort.St.George,
Chennai-600 009.

2.The Director of Elementary Education
D.P.I Compound,
College Road, Chennai-600 006.

3. The District Elementary Educational Officer,
Vellore-600 004.

4. Asst. Elementary Educational Officer,
Mathanoor,
Vellore District-635804

5. The Accountant General,
361 Anna Salai,
Chennai 600 018.

6. The Correspondent,
Ishathul Hasnath Aided Primary School,
Mohamed Pura 1st Street,
Ambur-635 802.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 6 to pay to the petitioner the revised salary as applicable to Special Grade Headmistress (Primary School) on and from July 1995 till retirement dated 31.5.2008 in terms of various proceedings and G.O.Ms.No.216 dated 30.12.2011, together with all further benefits attached thereto Viz., revised pension, arrears is pension, arrears is pension Commutation and gratuity based on the Revised pay of the petitioner with effect from 1.6.2008, with interest @ 12% per annum.

For Petitioner : Mr.C.Johnson

For Respondents : Mr.K.Dhananjayan, for R1 to R4
Special Government Pleader.

ORDER

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 (Paycell Department) dated 22.03.1993, with regard to granting of Selection and Special Scale of pay to the petitioner.

2.The Hon'ble Full Bench of this Court considered all the issues involved in relation to the said Government Order in G.O.Ms.No.216 Finance (Paycell Department) dated 22.03.1993, and delivered a Judgment on 9th December, 2016. For better appreciation, the relevant paragraph is extracted below:

"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 paragraph, the Hon'ble Full Bench made it clear that no fresh Writ Petition would be entertained on and from 9th December, 2016. Admittedly, the Writ Petition on hand were filed after 9th December, 2016. Thus, this Writ Petition cannot be entertained in view of the time limit prescribed by the Hon'ble Full Bench of this Court.

4. Accordingly, this Writ Petition is dismissed. No costs.

20.07.2017

Index: Yes/No
Internet: Yes/No

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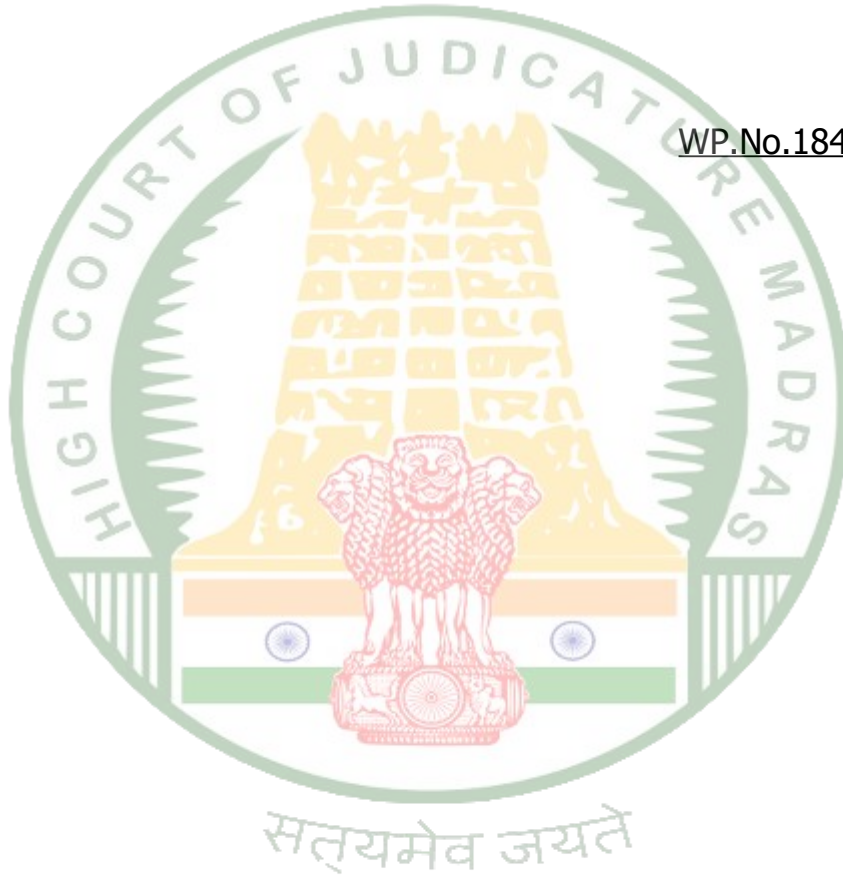
To

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S.M.SUBRAMANIAM.,J

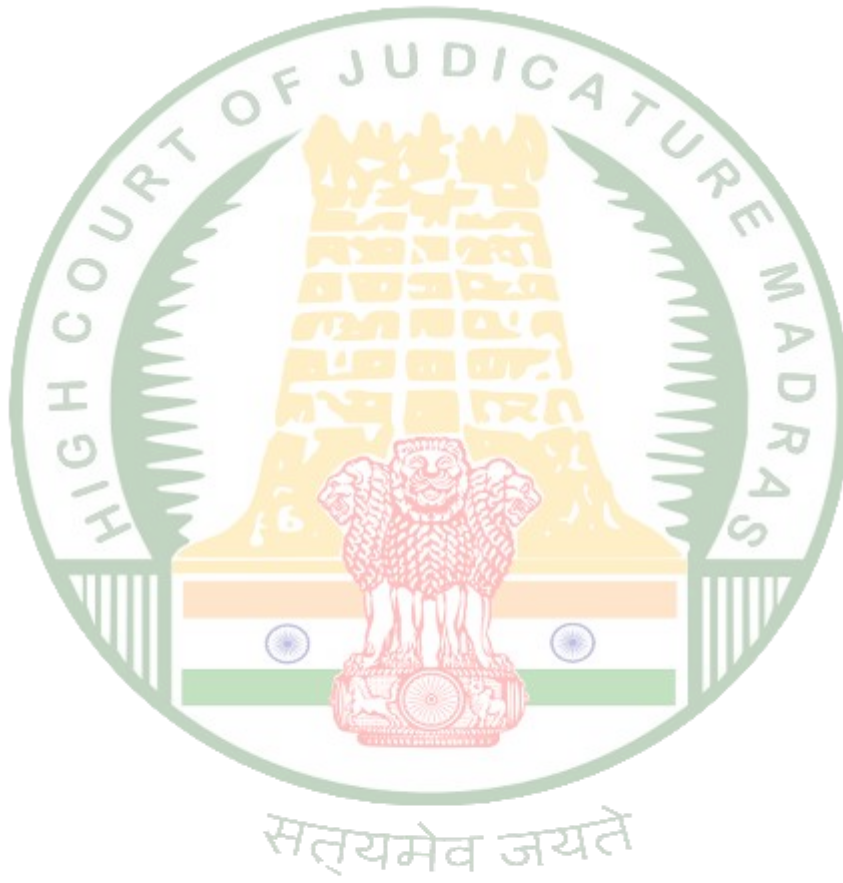
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