

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2017

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

W.P.No.19761 of 2017

and

W.M.P.No. 21325 of 2017

S.Shanmugam

... Petitioner

Vs

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

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

3. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai-606 601.

4. The Accountant General,
Tamil Nadu Circle, Teynampet,
Chennai-600 018.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents herein to extend the benefit of the G.O.Ms.No.216 Finance (Pay Commission) Department, dated 22.03.1993 and in the light of the order 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 of pay effect from 01.06.1988 and revision of pensionary benefits and pay arrears immediately to the petitioner along with all other attendant benefits.

For Petitioner : Mr.J.Selvarajan

For Respondents: Mr.K.Dhananjayan
Spl.Govt.Pleader (For R1 to R3)

Mr.V.Vijaya Shankar (for R4)

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 22.03.1993, 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 (Pay Cell 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/Higer 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) 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 Petitions would be entertained on and from 9th December, 2016. Admittedly, the Writ Petition on hand was 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, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Director of School Education
College Road,
Chennai 600006.

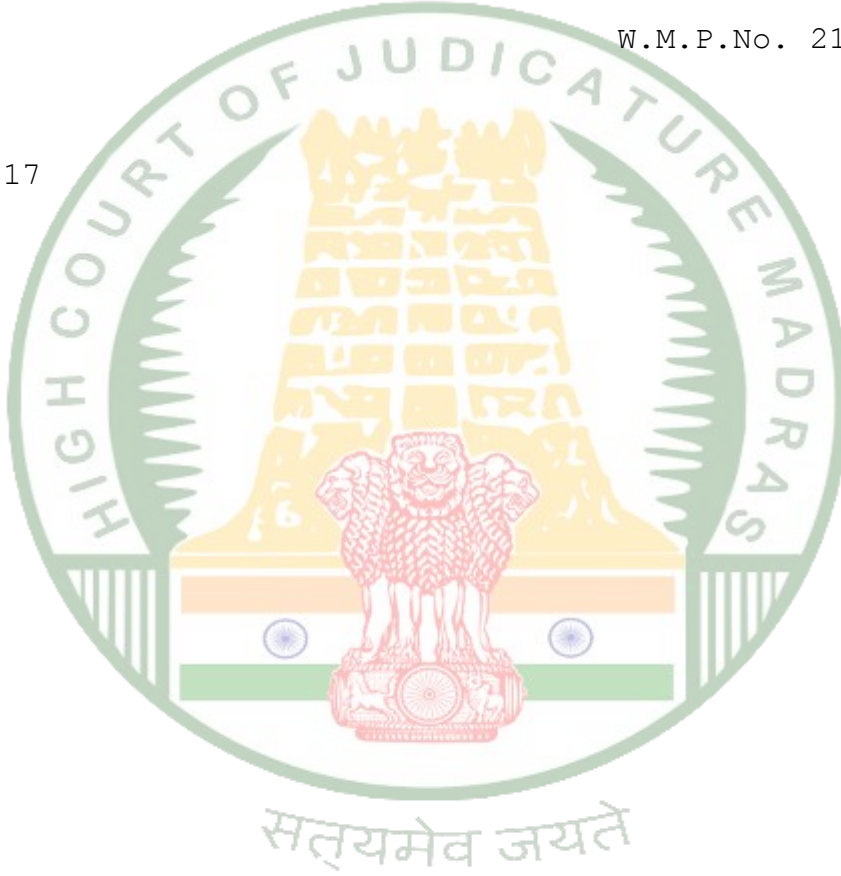
3. The Chief Educational Officer
Tiruvannamalai District
Tiruvannamali -606 601

4.The Accountant General
Tamil Nadu Circle
Teynampet Chennai- 600 018

+1 cc to M/s.V.Vijayashankar Advocate sr 55542

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