

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.396 of 2015
and
MP.Nos.1 and 2 of 2015

K.Jeyanthi

..Petitioner

-vs-

1. State of Tamilnadu Rep.by
The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai -9.
2. The State of Tamilnadu Rep.by,
The Principal Secretary to Government,
Education Department,
Secretariat, Chennai - 9.
3. The Director of School Education,
College Road,
Chennai - 6.
4. The Chief Educational Officer,
Villupuram,
Villupuram District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the order passed in G.O.Ms.No.69, dated 18.4.2013 and also G.O.Ms.No.180, 181 dated 06.09.2013 to the extent of the cut-off date of 01.06.1988 to 31.12.1995 and quash the same to that extent alone and direct the respondents to pay the monetary benefits and service benefits in the light of G.O.Ms.No.216 dated 22.3.1993 with effect from 01.06.1988 with all other benefits.

For Petitioner :: Mr.R.Singaravelan
Senior Counsel for
M/s.M.Srividhya

For Respondents:: Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The relief sought for in this writ petition is to call for the records on the file of the second respondent in connection with the order passed in G.O.Ms.No.69, dated 18.4.2013 and also G.O.Ms.No.180, 181 dated 06.09.2013 to the extent of the cut-off date of 01.06.1988 to 31.12.1995 and quash the same to that extent alone and direct the respondents to pay the monetary benefits and service benefits in the light of G.O.Ms.No.216 dated 22.3.1993 with effect from 01.06.1988 with all other benefits.

2.Heard Mr.R.Singaravelan, learned senior counsel appearing for the writ petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents.

3. The learned senior counsel appearing on behalf of the writ petitioner made a submission that the Hon'ble Full Bench of this Court considered the issues involved in this writ petition and pass an elaborate order in the case of Government of Tamil Nadu, rep.by the Secretary, School Education Department, Fort St.George, Chennai - 600 009 and Others Vs. G.Eswaran and Others, reported in (2017) 2 MLJ 257 (FB). The facts regarding the case on hand are not disputed by the learned Additional Government Pleader appearing on behalf of the respondents.

4. Thus, this Court is bound to follow the judgment passed in this regard by the Hon'ble Full Bench of this Court cited supra. The relief granted by the Full Bench is extracted here under:

"

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.
....."

5. In view of the orders passed by the Hon'ble Full Bench of this Court, the writ petitioner is also entitled for the benefit extended in the above Judgment of the Hon'ble Full Bench and accordingly, the respondents are directed to implement the judgment of the Hon'ble Full Bench of this Court, dated 09.12.2016, in respect of the writ petitioner also.

6. Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order, as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat, Chennai -9.
 2. The Principal Secretary to Government,
The State of Tamil Nadu,
Education Department,
Secretariat, Chennai - 9.
 3. The Director of School Education,
College Road,
Chennai - 6.
 4. The Chief Educational Officer,
Villupuram,
Villupuram District.
- +1cc to the Government Pleader, SR. 69802
+1cc to Mr.M.Srividhya, Advocate Sr. 69216

W.P.No.396 of 2015

PA(CO)
VR(13/10/2017)