

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.1003 of 2016

1.The State of Tamil Nadu,
Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai 9

2.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 9

2.The Director of School Education
(Higher Secondary)
College Road, Nungambakkam,
Chennai 600 006.

3.The District Educational Officer,
Perambalur District.

versus

B.Abdul Rahman

..appellants/Respondents

..Respondent/Petitioner

Writ Appeal filed against the order passed by this Court
dated 12.4.2012 passed in W.P.No.9870 of 2012

WP.No.9870 of 2012: Writ petition filed under Article 226 of the Constitution of India with a prayer to call for the records on the file of the second respondent in connection with the Order passed by her in her proceedings in Letter No. 39631/M1/2011 dated 15.4.2011 and quash the same and direct the respondents to pay the monthly benefits as per the Order passed by the first respondent in G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.3.1993 270 Finance (PC) Department dated 26.8.2010 and also as per the Order of the Honourable Division Bench in W.P.No.17187 of 2003 dated 28.11.2007 confirmed by the Honourable Apex Court in S.L.P. Civil CC.No.2746 of 2010 dated 23.4.2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and service benefits by issuing a writ of certiorarified mandamus.

For appellants : Mr.V.Anandhamurthy, Addl. Govt. Pleader
For Respondent : No appearance

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

This intra court appeal is directed against the order passed by the learned Single Judge on the basis of the Government Order in G.O.Ms.No.216, Finance (PC) Department dated 22 March 1993.

2. The issue raised herein is covered by the judgment of the Full Bench dated 9 December 2016 in Review application No.227 of 2015 (Government of Tamil Nadu vs.G.Eswaran and others). The judgment of the Full Bench was subsequently followed in W.A.No.W.A.No.895 of 2017. The direction given by the Full Bench reads thus:-

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/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 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.

The writ appeal is disposed of in terms of the order in Review Application No.227 of 2015. No costs. Consequently, C.M.P.No.13098 of 2016 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai 9

2.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 9

2.The Director of School Education
(Higher Secondary)
College Road, Nungambakkam,
Chennai 600 006.

3.The District Educational Officer,
Perambalur District.

+1cc to Government Pleader SR.No.86296/17

W.A.No.1003 of 2016

SR(co)

sm:5.1.2018