

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.Nos.852 to 854 of 2016

1.The State of Tamil Nadu,
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 Chief Educational Officer,
Tiruvallur District. Appellants /Respondents

versus

P.K.Ramasamy Respondent in W.A.No.852 of 2016
S.N.Thankckachalam Respondent in W.A.No.853 of 2016
K.Ramakrishna Reddy Respondent in W.A.No.854 of 2016

Prayer:Writ Appeal filed against the order passed by this Court
dated 23.4.2012 passed in W.P.Nos.29585, 29589, 29592 of 2011

Prayer WP.Nos.29585, 29589 & 29592 of 2011:Writ petition filed
under Article 226 of the Constitution of India praying for a
writ of Certiorarified mandamus to call for all the relevant
records pertaining to the order passed by the 1st respondent
herein vide his proceedings No.Letter No.39631/M1/2011 dated
15.04.2011 and quash the same as illegal, arbitrary,
unreasonable being violative of rules and principles of natural
justice and thereby direct the respondents to extend the
benefits of G.O.Ms.No.216 Finance (PC) Department dated
22.03.1993 and accordingly award Selection/Special Grade Scale
of Pay with effect from 01.06.1988 and revise Pensionary
benefits and pay arrears to the petitioner.

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

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

This intra court appeals are 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 appeals are disposed of in terms of the order in Review Application No.227 of 2015. No costs. Consequently, C.M.P.Nos.10960 to 10961 of 2016 are closed.

Sd/-

Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

tar

To

1.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 Chief Educational Officer,
Tiruvallur District.

+lcc to Additional Government Pleader SR.No.86297

W.A.No.852 to 854 of 2016

MR(CO)
GN(27/12/2017)