

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-07-2017

CORAM

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

W.P. Nos.44465, 44804, 44795, 44797 of 2016 and 3626 of 2017

K.N.K.Murthy

M.Maraiah

Ramasamy Gomathi

U.Singaravel

I.A.James

.. Petitioner in WP 44465/2016

.. Petitioner in WP 44884/2016

.. Petitioner in WP 44795/2016

.. Petitioner in WP 44797/2016

.. Petitioner in WP 3626/2017

Vs.

The Government of Tamil Nadu

Rep. By its Secretary to Government,

School Education Department,

Secretariat,

Fort St.George,

Chennai 9.

.. R-1 in all WPs

The Director of School Education,

DPI Campus,

College Road,

Nungambakkam,

Chennai 600006.

.. R-2 in WP 44465/2016

The Director of School Education,

Higher Secondary,

College Road,

Nungambakkam,

Chennai-600 006.

.. R-2 in WP 3626/2017

The Chief Educational Officer,

Dharmapuri,

Dharmapuri District.

.. R-3 in WP 44465/2016

The Chief Educational Officer,

Virudhunagar,

Virudhunagar District.

.. R-2 in WPs 44795, 44797/2016

The Chief Educational Officer,
Tirunelveli

.. R-3 in WP 3626/2017

The District Educational Officer,
Aruppukottai,
Virudhunagar District.

.. R-3 in WPs 44804, 44795, 44797
/2016

WP 44465/2016:

Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to consider the petitioner representation, which was sent on dated 30.9.2016 and extend the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.3.1993 and G.O.Ms.No.270, Finance (PC) Department, dated 26.8.2010 in the light of the orders of the Hon'ble Division Bench in WP No.8747 of 2009 dated 14.7.2009 confirmed by the Hon'ble Supreme Court of India in C.C.No.2746 of 2010 dated 23.4.2010 and accordingly award Selection/ Special Grade Scale of Pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioner.

WPs 44804, 44795, 44797/2016:

Petitions filed Under Article 226 of the Constitution of India to issue of Writs of Mandamus, directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.3.1993 and G.O.Ms.No.258, School Education Department dated 6.9.2010 and G.O.Ms.No.284, School Education Department dated 30.9.2010 in the light of the orders passed by the Hon'ble Division Bench in WP No.8747 of 2009 dated 14.7.2009 confirmed by the Hon'ble Supreme Court of India in C.C.No.2746 of 2010 dated 23.4.2010 and also grant us all consequential benefits.

WP 3626/2017:

Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to pass appropriate orders in relevance to G.O.Ms.No.62 dated 9.3.2015 issued by the Government of Tamil Nadu through the Finance (CMPC) Department by amending para-3(ii) of G.O.Ms.No.216, Finance (PC) Department, dated 22.3.1993 on 'payment of arrears' with further direction to the respondents to pay pension arrears to the petitioner from 1.6.1988 to till the date along with additional retirement pension.

For Petitioner in WP 44465/2016 : Mr.N.Chandrasekar
 For Petitioner in WPs 44804,44975
 & 44797/2016: Mr.R.Balaguruswamy
 For Petitioner in WP 3626/2017 : Mr.H.Nazirudeen
 For Respondents in all WPs : Mr.M.Perumal,
 Government Advocate.

COMMON ORDER

The relief sought for in all these writ petitions are 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 petitioners.

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 Petitions would be entertained on and from 9th December, 2016. Admittedly, the Writ Petitions on hand were filed after 9th December, 2016. Thus, these Writ Petitions cannot be entertained in view of the time limit prescribed by the Hon'ble Full Bench of this Court.

4. Accordingly, these Writ Petitions are dismissed. No costs.

20-07-2017

Speaking Order/Non-Speaking Order

Index : Yes/No.

Internet : Yes/No.

Svn

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat,
Fort St.George,
Chennai 9.
- 2.The Director of School Education
DPI Campus,
College Road,
Nungambakkam,
Chennai 600006.
- 3.The Director of School Education,
Higher Secondary,
College Road,
Nungambakkam,
Chennai-600 006.

Svn

4.The Chief Educational Officer,
Dharmapuri,
Dharmapuri District.

5.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

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7.The District Educational Officer,
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