



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:20.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.1255 of 2015 &
M.P.(MD).No.1 of 2015

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat,
Chennai -9.
 - 2.The Director of School Education,
College Road,
Chennai-6.
 - 3.The Chief Educational Officer,
Trichirapalli.
- ...Appellants/Respondents
- Vs.

P.Rajalingam ... Respondent/ Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act to set aside the order, dated 26.02.2013, in W.P.(MD).No.2231 of 2012.

Prayer in WP(MD). 2231/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to extend the benefit of G.O.Ms.No.216 School Education (G2) Department, dated 30-12-2011 and G.O.Ms.No.210 School Education (G1) Department, dated 14-08-2009 by counting the service of the Petitioner in the post of Secondary Grade Assistant from 20-03-1968 to 31-03-1981 along with the service of the Petitioner as Secondary Grade Headmaster and B.T. Head Master from 01-04-1981 to 31-05-2004 and consequently pay the Selection Grade and Special Grade Scales of pay to the petitioner with effect from the date of completion of 10 years and 20 years respectively and pay the revised Pension on the basis of the above payment of Selection Grade and Special Grade Scale of pay.

For Appellants	: Mr.V.Muruganantham Additional Government Pleader
For Respondent	: R.Singaravelan Senior Counsel for Mr.D.Selvanayagam

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mr.V.Mugrughanantham, learned Additional Government Pleader and Mr.R.Singaravelan learned Senior Counsel for the respondent.

2. Mr.R.Singaravelan, learned Senior Counsel for Mr.D.Selvanayagam, appearing for the respondent would fairly submitted that the issue is squarely covered by the decision of the Honourable Full Bench of the case in Government of Tamil Nadu V. G.Eswaran reported in (2017) 2 MLJ 257 (FB). At this stage, it would useful to refer the operative portion of the judgment, which reads as 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; "

3. Thus, the writ appeal stands disposed of on the same line as held by the Hon'ble Division Bench in the above said decision and the respondent would be entitled to the benefits as contemplated therein. No costs.

Sd/-
Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Secretariat,
Chennai -9.

2. The Director of School Education,
College Road,
Chennai-6.

3. The Chief Educational Officer,
Trichirapalli.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.53291

+1cc to M/S D.Selvanayagam, Advocate, SR.52958

W.A. (MD) No.1255 of 2015 &
M.P. (MD) .No.1 of 2015
20.04.2017

JIKR

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