



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.04.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.2987 of 2014

1.M.Jeyaprakasan,
2.V.Rajan,
3.P.Ponnuthai,
4.G.Kamalam,
5.K.Padmavathi,
6.S.Boomiammal,

.. Petitioners

Vs.

1.The District Backward Classes and Minority Welfare Officer,
Virudhunagar.

2.Director of Backward Classes and Minority Welfare,
Chennai.

3.Director of Most Backward Classes and Minority Welfare,
Chennai. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to extend the benefits provided in G.O.(Ms).No.216, Finance (Pay Commission) Department, dated 22.03.1993 to the petitioners and consequently award selection/special grade pay scale with effect from 01.06.1988 and revise the pensionary benefits and pay arrears to the petitioners within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.A. Sivaji

For Respondents : Mr.N.S. Karthikeyan,
Additional Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to extend the benefits provided in G.O.(Ms).No.216, Finance (Pay Commission) Department, dated 22.03.1993 to the petitioners and consequently award selection/special grade pay scale with effect from 01.06.1988 and also revise the pensionary benefits and pay



arrears to the petitioners.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioners stated that they were appointed as Secondary Grade Teacher/Warden and Matrons in the School/Hostels run by the respondents between 17.05.1952 and 07.10.1977. All the petitioners retired from service between 1997 and 2007. It is contented by the petitioners that the Government issued G.O.(Ms). No.216, Finance (Pay Commission) Department, dated 22.03.1993, stating that the Secondary Grade Teachers employed in high school and higher secondary school were also eligible for the scale of pay on par with the Primary School Headmasters.

4. It is the contention of the learned counsel for the petitioner that, similarly placed persons, like that of the petitioner, filed O.A. No.8276 of 1997, seeking refixation of scale of pay as per the Government Order issued in G.O.(Ms). No.216, Finance (Pay Commission) Department, dated 22.03.1993 and the said Original Application was allowed. The said order came to be challenged by the Government by filing W.P.No.8747 of 2009, which was dismissed on 14.07.2009. Thereafter the Government approached the Hon'ble Supreme Court by filing Special Leave Petition, challenging the said order. The Hon'ble Supreme Court, confirming the order of the Division Bench, dismissed the Special Leave Petition, on 23.04.2010. The petitioner, seeking to extend the benefits of the Government Order issued in G.O.(Ms).No.216, Finance (Pay Commission) Department, dated 22.03.1993, submitted a representation on 01.04.2013. Since no action has been taken, the petitioners are now before this Court, with this Writ Petition.

5. The learned counsel appearing for the petitioners placed reliance on the decision of the Full Bench of this Court in **The Government of Tamil Nadu, Vs.G.Eswaran and others** reported in **2017 1 LW 673**, wherein the Full Bench held as follows:

(i) The Government is directed to implement the G.O.(Ms).No.216, dated 22.03.1993 for the period between 01.06.1988 and 31.12.1995, on and from 01.03.2017 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;

<https://hcservices.ecourts.gov.in/hcservices/> 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 22.03.1993 payable on and from 01.03.2017;

(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 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 Miscellaneous Petitions thereof, are ordered;

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.

6.The learned Additional Government Pleader appearing for the respondents fairly conceded that the petitioners are also entitled to the relief in view of the judgment of Full Bench of this Court above referred to.

7.Considering the same, the Writ petition is allowed and the respondents are directed to extend the benefits provided as per the Government Order, vide G.O.(Ms).No.216, Finance (Pay Commission) Department, dated 22.03.1993, and also revise the pensionary benefits and pay arrears to the petitioners within a short time, in terms of the decision of the Full Bench of this Court, referred to above. No Costs.

Sd/-

Assistant Registrar(Co)



To

1. The District Backward Classes and Minority Welfare Officer,
Virudhunagar.

2. Director of Backward Classes and Minority Welfare,
Chennai.

3. Director of Most Backward Classes and Minority Welfare,
Chennai.

+1 cc to Mr.A.Shivaji , Advocate in SR.No. 52100

KM/VSA

AE/SV/09.05.2017/4P/5C

ORDER MADE IN
W.P. (MD) .No.2987 of 2014
13.04.2017