



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. [MD] .No.313 of 2017
and
C.M.P. (MD) .No.3161 of 2017

- 1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
School Education Department,
Fort.St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Madurai 625 002.
- 4.The District Educational Officer,
Madurai 625 002. : Appellants/Respondents

Vs.

- 1.M.S.Venkatachalapathi : Respondents/Writ Petitioner
- 2.The Secretary,
M.N.U.Jeyaraj Nadar Higher Secondary School,
Nagamalai Pudukkottai,
Madurai 625 019. : Respondent/5th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 03.08.2012 made in W.P.(MD).No.10122 of 2012, on the file of this Court.

Prayer in WP(MD) . 10122/ 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 to the petitioner the benefit of G.O Ms. NO. 258 School Education (M.1) Department dated



06.09.2010 which was implemented in pursuance of the order dated 14.07.2009 of the Honourable Division Bench in WP No. 8747 of 2009 within a stipulated period.

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For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent No.1 : Mr.B.Alagarsamy

For R 2 : No Appearance

JUDGMENT

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

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader for the appellants and Mr.B.Alagarsamy, the learned counsel appearing for the first respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal has been filed as against the order, dated 03.08.2012, made in W.P.(MD).No.10122 of 2012. The said Writ Petition was filed by the first respondent herein seeking a Writ of Mandamus, directing the respondents therein to extend to the Writ Petitioner the benefit of G.O.Ms.No.258, School Education [M-1] Department, dated 06.09.2010, which was implemented, in pursuance of the order, dated 14.07.2009, made in W.P.(MD).No.8747 of 2009. The said Writ Petition was disposed of, by directing the appellants herein to extend the benefits of the Government Order. The learned Special Government Pleader submitted that the matter was referred to the Hon'ble Full Bench. We have perused the Judgment passed by the Full Bench in **The Government of Tamil Nadu, Vs. G.Eswaran and others** reported in **2017 1 LW 673**, wherein the Hon'ble Full Bench has held as follows:-

"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;

39. With the above directions, all the captioned matters, viz., Writ Appeals, Writ Petitions, Review Applications are disposed of and the Contempt Petitions are closed".

3. The learned counsel for the first respondent does not dispute the above legal position.

4. In the light of the above Judgment passed by the Hon'ble Full Bench, the Writ Appeal is disposed of on the same lines and benefits, which shall accrue to the respondents therein, pursuant to the Judgment passed by the Full Bench, shall accrue to the first respondent/Writ Petitioner herein also. No



costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort.St.George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai 600 006.

3.The Chief Educational Officer,
Madurai 625 002.

4.The District Educational Officer,
Madurai 625 002.

NB

VB/JC/SAR4/17.04.2017/4P/5C

JUDGMENT MADE IN
W.A. [MD] .No.313 of 2017
04.04.2017