

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1273 of 2018
and

C.M.P.No.10439 of 2018

- 1.The Government of Tamil Nadu
represented by its Secretary
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Chief Educational Officer,
Erode District.
- 3.The Chief Educational Officer,
Karur District, Karur.
- 4.The Chief Educational Officer,
Dharmapuri District, Dharmapuri.
- 5.The Chief Educational Officer,
Thanjavur District, Thanjavur.
- 6.The Chief Educational Officer,
Pudukottai District, Pudukottai.
- 7.The Chief Educational Officer,
Nilgiris District, Nilgiris.

... Appellants

-vs-

- 1.K.C.Venkatachalam
- 2.K.Nallavalliammal
- 3.A.Vijayalakshmi
- 4.P.Nagalakshmi
- 5.C.Amasi Ammal
- 6.M.Lingan
- 7.K.M.Muhammed Ishak
- 8.P.Adaikkalam
- 9.P.Kanagavalli
- 10.R.Vijayalakshmi
- 11.V.Kasthuribai
- 12.K.Jayamani
- 13.A.Sagayamarthar
- 14.M.Namasivayam

15.R.Chinthamani
16.R.Rajakumari
17.D.Chandra
18.M.Narayanasamy
19.K.Thangaiyan
20.N.V.Radhakrishnan
21.N.S.Meenakshi
22.P.Rani
23.S.Shyamala
24.V.Radhika
25.R.Megalai
26.M.Jainub Rajia Hussain
27.J.Kannammal
28.G.V.Sukanya
29.A.Malathi
30.L.Usharani
31.N.Revathy
32.B.Chinnarani
33.M.Thamilarasi
34.Y.Arul Mery
35.R.Selvamani
36.M.Thangappa
37.A.Thangappan
38.S.Thamarai Selvan

(Respondents 1 to 7, 10, 18, 19, 22 to 30,
36, 37 and 38 given up) ... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.1552 of 2013 dated 08.02.2013.

Prayer in WP.No.1552/2013:Writ petition filed under Article 226 of the constitution of India to issue a writ of mandamus to direct the the respondents to extend the benefit of G.O.Ms. No. 216 Finance (PC) Department dt 22.3.1993 and G.O.Ms. No.106 School Education Department dt 14.7.2011 in light of the Honourable Supreme Court of Indias order in CC. No. 2746/2010 dt 23.4.2010 and accordingly award Selection/Special Grade scale of pay with effect from 1.6.1988 and revision of pensionery benefits and pay arrears immediately to the petitioners.

For appellants : Mr.C.Munusamy,
Spl.GP (Education)

For respondents : Mr.P.Sivakumar for
R9 to 15, 17, 20, 21, 23, 24,
26 to 35

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2.The issue raised in this writ appeal is squarely covered by the Full Bench judgment of this Court dated 9.12.2016 made in Review Application Nos.227 of 2015 in W.A.Nos.352 of 2014 etc., batch (Government of Tamil Nadu represented by its Secretary, School Education Department, Chennai and others v. G.Eswaran and others), wherein the Full Bench has directed as follows:-

"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;

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. There shall be no order as to costs. Consequently, all connected Miscellaneous Petitions are closed."

3. Accordingly, this writ appeal stands disposed of in terms of the judgment of the Full Bench as mentioned above. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

KM

To

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

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7.The Chief Educational Officer,
Nilgiris District, Nilgiris.

PPA (CO)
sm:10.7.2018

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