

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.1292 of 2018
and
C.M.P.No.10465 of 2018

- 1.The Secretary to Government of Tamil Nadu
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Director of Elementary Education,
Chennai-600 006.
- 3.The District Elementary Educational Officer,
Vellore.
- 4.The Assistant Elementary Educational Officer,
Kaveripakkam, Vellore District. ...Appellants/Respondents

-vs-

M.K.Thenmozhi ...Respondent/Petitioner

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.30409 of 2013 dated 13.11.2013.

Prayer in WP.NO.30409/2013:Petition under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in Na.Ka No.12118/D1/ 2011 dated 13.9.2011 and quash Para 22 of the said impugned proceedings in so far as the petitioner is concerned and to issue consequential directions to the respondents herein promoting the petitioner as Middle School Headmistress from the year 2012 onwards on par with her junior P.Thavamani construing 2 Year Diploma in Teacher Education as equal to +2 under the control of respondents.

For appellants : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

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,
Secretariat, Chennai-600 009.

2.The Director of Elementary Education,
Chennai-600 006.

3.The District Elementary Educational Officer,
Vellore.

4.The Assistant Elementary Educational Officer,
Kaveripakkam, Vellore District.

JP(CO)
sm:5.7.2018

W.A.No.1292 of 2018
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