

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

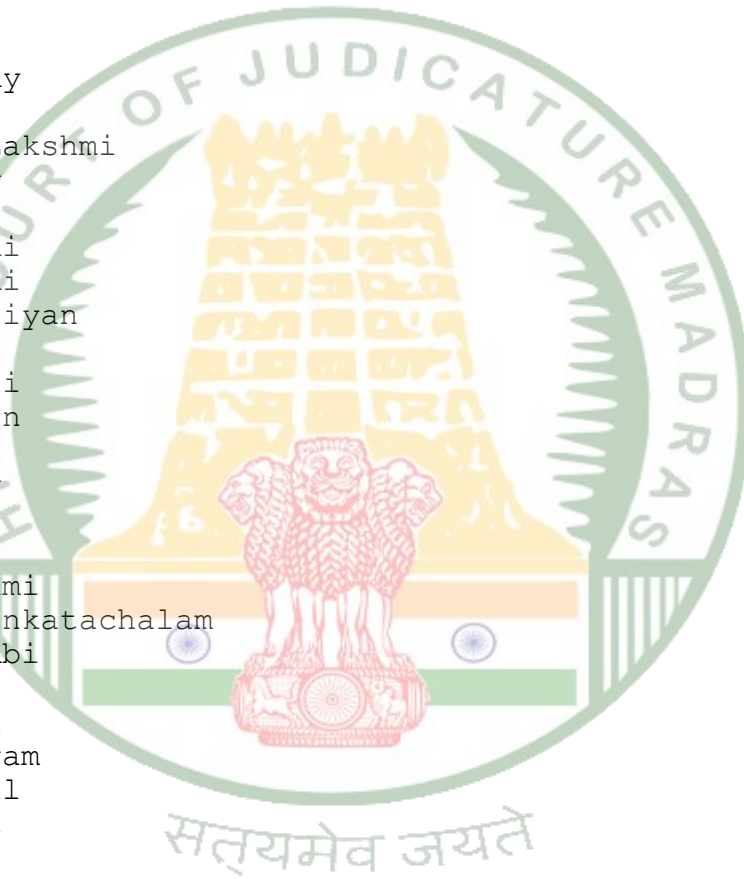
W.A.No.1320 of 2018
and
C.M.P.No.10506 of 2018

1. The State of Tamil Nadu
represented by its Principal Secretary to Government
School Education M-1 Department,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006. ...Appellants/Respondent

-vs-

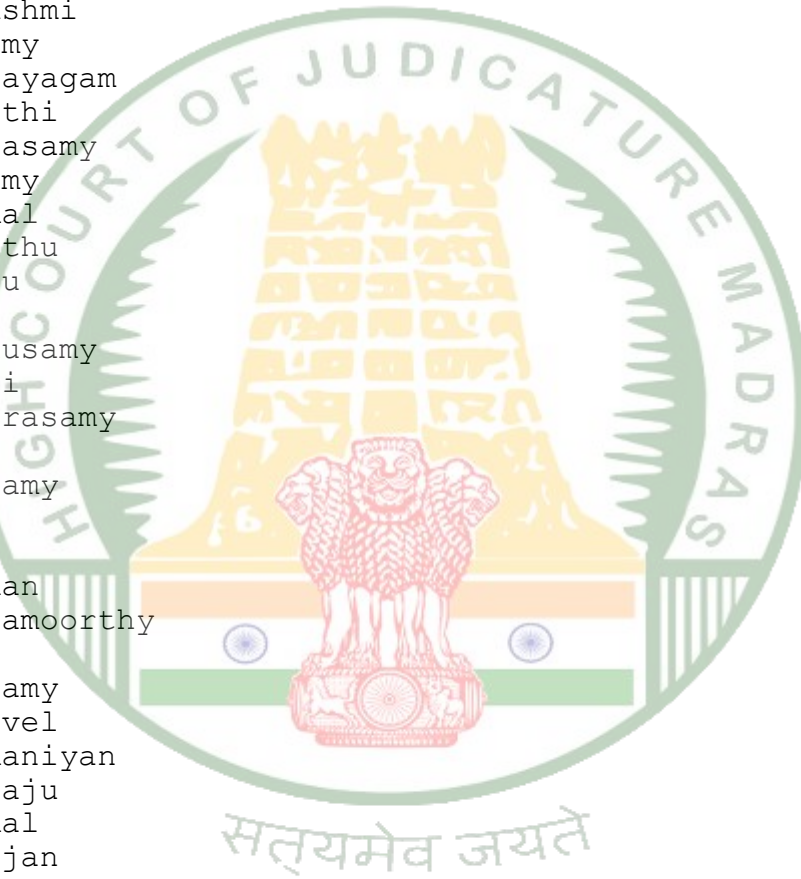
- 1.S.P.Ramasamy
- 2.P.Muthusamy
- 3.K.Devaraj
- 4.V.Govindasamy
- 5.V.Ponnusamy
- 6.K.Santha
- 7.R.Sundaram
- 8.R.Murugesan
- 9.C.Nalayani
- 10.R.S.Srinivasan
- 11.M.Kamalam
- 12.K.Palaniyandi
- 13.S.Palanivelu
- 14.V.Manickam
- 15.N.Chettiyagounder
- 16.M.Karuppaiya
- 17.V.Karuppa Gounder
- 18.S.Santhanalakshmi
- 19.A.Leela
- 20.A.Palanisamy
- 21.R.Subbarayan
- 22.R.Alagarayan
- 23.P.K.Ramasamy
- 24.K.Kolandan
- 25.K.S.Chellappan
- 26.M.K.Muthusamy
- 27.A.Lakshmi

28.V.K.Ramasamy
29.C.Ramasamy
30.R.Muthusamy
31.P.Marappan
32.P.Pappu
33.M.Durairaju
34.R.Sellammal
35.P.P.Rangasamy
36.K.Alamelu
37.S.K.Nachimuthu
38.N.Kolandan
39.K.Dhanam
40.K.Rangasamy
41.P.Annamalai
42.P.K.Kuppusamy
43.M.Muthu
44.S.Santhana Lakshmi
45.N.Palanisamy
46.K.Ramayee
47.V.Palaniyandi
48.S.Annalakshmi
49.S.M.Sengottaiyan
50.S.Subbaiyan
51.A.Neelambigai
52.V.R.Natarajan
53.M.Janagaraj
54.S.Palanisamy
55.R.Yethugiri
56.R.Mohanambal
57.S.Subbulakshmi
58.S.Sundara Venkatachalam
59.T.Chinnathambi
60.S.Arumugam
61.A.Gurunathan
62.V.Dharmalingam
63.S.Govindammal
64.A.Athiyappan
65.M.Natarajan
66.K.Chellamuthu
67.P.K.Kaveri
68.K.Kamalam
69.G.Palanisamy
70.S.Natesan
71.P.Kolandan
72.P.Thiruvengkata Narayanan
73.P.Kumaresan
74.P.K.Ramasamy
75.A.Ramasamy
76.R.Mani
77.M.Marappan
78.R.Malayalam



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79.R.Palaniyappan
80.R.Palanivelu
81.K.Veerappa Gounder
82.K.Palaniyandi
83.N.Muthusamy
84.V.Sengodan
85.K.Vijaya Rajan
86.K.Palaniammal
87.G.Devarajan
88.T.S.Sengodan
89.R.Lakshmi
90.G.Siva Subramaniyan
91.A.Rajalakshmi
92.N.Veerassamy
93.M.Marudanayagam
94.M.Saraswathi
95.N.Narayanasamy
96.V.Periasamy
97.K.Sellammal
98.K.Pachamuthu
99.S.Anguraju
100.P.Annavi
101.N.R.Muthusamy
102.D.Kalyani
103.S.A.Kumarasamy
104.M.Sarasa
105.R.Kandasamy
106.N.Pappal
107.K.Rajan
108.K.Sengodan
109.R.Krishnamoorthy
110.S.Hanifa
111.C.Ponnusamy
112.A.Palanivel
113.P.Subramaniyan
114.M.Selvaraju
115.R.Angammal
116.A.Natarajan
117.K.J.Dhanakotti
118.K.Pavayee
119.V.P.Raju
120.P.Mayilvaganam
121.K.V.Palanisamy



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... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.28806 of 2011 dated 25.04.2012.

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the letter having Ref.No.39631/M1/2011 dated 15.04.2011 and 04.07.2011 issued by the first respondent and quash the same and consequently, direct the respondents to fix the special grade pay at Rs.2,000-3200 with effect from 01.06.1988 as per G.O.Ms.NO.304 dated 28.03.1990 and G.O.Ms.No. 216 dated 22.03.1993 issued by the Finance(pay Commission) Department for the Petitioners and pay the pension and compute the arrears of salary payable to the petitioners.

For appellants : Ms.P.Kavitha,
Government Advocate

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 Principal Secretary to Government,
Government of Tamil Nadu,
School Education M-1 Department,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.

W.A.No.1320 of 2018
and
C.M.P.No.10506 of 2018

AK(CO)
BM 09/07/2018



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