

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

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

W.A.No.1410 of 2018
and
C.M.P.No.11252 of 2018

- 1.The State of Tamil Nadu
rep.by its Secretary to Government,
Finance (Pay Cell) Department
Fort St.George, Chennai-600 009.
 - 2.The State of Tamil Nadu,
rep.by its Secretary to Government,
Education Department,
Fort St.George, Chennai-600 009.
 - 3.The Director of School Education
(Higher Secondary),
College Road,
Chennai-600 006.
 - 3.The Chief Educational Officer,
Chennai District.
 - 4.The Chief Educational Officer,
Cuddalore, Cuddalore District.
- ... Appellants

-vs-

- 1.S.P.Nagarajan
- 2.K.Kamashi
- 3.B.Ragothaman
- 4.K.Subramanian
- 5.G.Ameer Jan
- 6.G.Brinda
- 7.Syed Maswood Ahmed
- 8.V.Sankaranarayanan
- 9.R.Krishnasamy
- 10.V.Natesan
- 11.T.Natarajan
- 12.S.Nagarajan
- 13.T.Lakshmi
- 14.K.Kaliyaperumal
- 15.S.Mani
- 16.A.Bharadhan

17.R.Desingh
18.A.Charles Devaram
19.K.Govindan
20.G.Malarkodi
21.M.A.Rajamal
22.V.Mahalakshmi
23.S.Saradhambal
24.V.Janaki
25.D.Paranjothi
26.G.Thangamani
27.M.Bhoovarangasamy
28.K.Nagarajan
29.Savithri
30.K.Shokatali
31.M.Devarajan
32.P.Kannan
33.K.Jagadeesan
34.R.P.Sathiamoorthy
35.R.Manohar
36.P.Natarajan
37.K.M.Ramani Bai
38.J.Selvaraj
39.R.Lakshmi Devi
40.R.Ramakrishnan
41.D.Subburaj
42.S.M.Antony Mary
43.A.Kalyani
44.K.R.Rengasamy
45.N.Balasubramanian
46.A.Amirtham
47.V.Ramalingam
48.D.Murugesan
49.S.Karuppiah
50.P.Aynal
51.A.Vijayalakshmi
52.K.Balasubramanian
53.V.Arivukkodi
54.P.Chinniah
55.C.Thangavelu
56.P.Periyasamy
57.C.Chellam
58.R.Vasantha
59.K.Saravanapperumal
60.E.Singamuthu
61.K.Annamalai
62.Meivazhi Balarama Anandar
63.R.Arumugam
64.PR.Ramu
65.V.Periyaiah
66.V.Kumarasamy
67.P.Nagalingam
68.R.Radhakrishnan
69.B.Vasantha

70.R.Sadanandam
71.G.Kumarasamy
72.R.Krishnamurthy
73.M.Krishnamurthi
74.K.Sundarajan
75.R.Renganathan
76.N.Krishnan
77.N.Visalakshi
78.A.Lakshmanan
79.P.Sethu
80.V.Meenakshi
81.S.Chellamal
82.N.Santha
83.R.Krishnamoorthy
84.A.Chellammai
85.S.Mahimaidoss
86.A.Sundaravalli
87.S.Arumugam
88.A.Catherina
89.A.Noorjahan
90.V.Dhanapakkiyam
91.J.Panimayam
92.C.Palanivelu
93.P.Pattu

(Respondents 1 to 3, 5 to 23, 29 to 74
and 76 to 93 given up)

94.The Chief Educational Officer,
Tiruvannamalai District.

95.The Chief Educational Officer,
Vellore District.

96.The Chief Educational Officer,
Namakkal District.

97.The Chief Educational Officer,
Villupuram District.

98.The Chief Educational Officer,
Perambalur District.

99.The Chief Educational Officer,
Ariyalur District.

100.The Chief Educational Officer,
Trichy District.

101.The Chief Educational Officer,
Pudukottai District.

102.The Chief Educational Officer,
Sivagangai District.

103.The Chief Educational Officer,
Ramanathapuram District.

104.The Chief Educational Officer,
Nagapattinam District.

105.The Chief Educational Officer,
Tiruvarur District.

106.The Chief Educational Officer,
Madurai District.

(Respondents 94 to 106 given up as
not necessary) ... Respondents

Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court in W.P.No.16269 of 2012 dated
28.06.2012.

WP.No.16269/2012:Petition filed under Article 226 of the
Constitution of India praying for a writ of mandamus directing
the 2nd Respondent to sanction the monetary and service benefits
to the petitioners in the light of G.O.Ms.No.216 dated 22.3.93
and G.O.Ms.No.270 dated 26.8.10 by taking note of the order
passed by this Honourable Court in a batch of writ petitions in
W.P.No.10096 of 2012 and a batch of cases dated 12.4.12
W.P.No.10287 of 2012 dated 16.04.2012 W.P.No.10485 of 2012 and
a batch of cases dated 17.04.12 and W.P.No.12534 of 2012 dated
27.4.2012.

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

For respondents : Ms.M.Srividhya,
for R4, R25, R26, R27
and R75

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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(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department
Fort St. George, Chennai-600 009.

2. The Secretary to Government,
Education Department,
Fort St. George, Chennai-600 009.

3. The Director of School Education
(Higher Secondary),
College Road,
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4. The Chief Educational Officer,
Chennai District.

5. The Chief Educational Officer,
Cuddalore, Cuddalore District.

+2cc to M/s.M.Srividhya, Advocate Sr.No.43507

MP(CO)
sm:25.7.2018

W.A.No.1410 of 2018
and
C.M.P.No.11252 of 2018