

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.1415 of 2018
and
C.M.P.No.11257 of 2018

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

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

3.The District Elementary Educational Officer,
Madurai District, Madurai.

4.The Assistant Elementary Educational Officer,
Alanganallur Panchayat Union,
Madurai District.

.... Appellants

-vs-

M.Alagarsamy

Respondent

Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court in W.P.No.20220 of 2012 dated
27.07.2012.

WP.NO.20220/2012:

Writ Petition filed under Article 2260 of the Constitution
of India to issue a Writ of Mandamus directing the respondents
to fix the pay of the petitioners deceased wife namely
Smt.P.Thayammal in Selection Grade/Special Grade in the post of
Elementary School Headmaster by taking into account her entire
services as Secondary Grade Assistant Teacher and Elementary
School Headmaster by extending the benefits of G.O.Ms.No.234
School Education (G2) Department dt 10.9.2009 in favour of the
petitioners wife and consequently fix the pension to be paid to
the petitioner and pay the arrears with other consequential
benefits to the petitioner.

For appellants

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

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.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

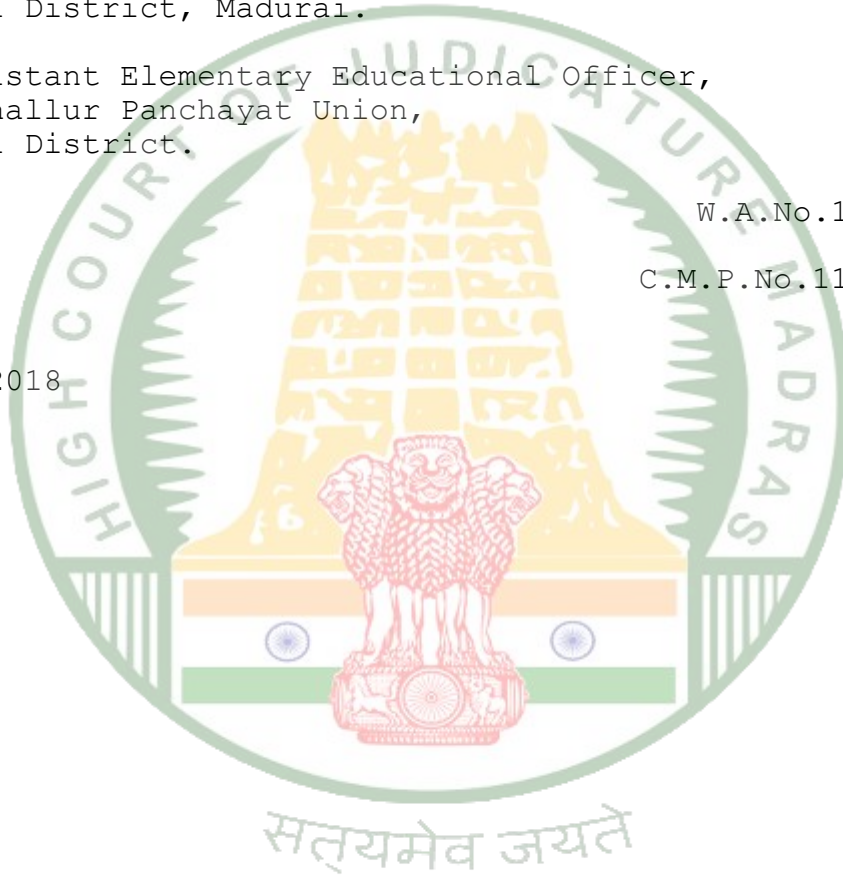
Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The District Elementary Educational Officer,
Madurai District, Madurai.
- 4.The Assistant Elementary Educational Officer,
Alanganallur Panchayat Union,
Madurai District.

W.A.No.1415 of 2018
and
C.M.P.No.11257 of 2018

rsk(co)
nr 31/07/2018



WEB COPY