

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.1418 of 2018
and

C.M.P.No.11260 of 2018

- 1.The Government of Tamil Nadu,
rep.by the Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road, Nungambakkam
Chennai-600 006.
- 3.The Chief Educational Officer,
Cuddalore, Cuddalore District. Appellants 1 to 3
Respondents

-vs-

- 1.V.Devanathan
- 2.K.Perumal
- 3.C.Murugavelu
- 4.M.Sivarajan
- 5.M.Ramalingam
- 6.P.Thanapandian
- 7.V.Padmanaban
- 8.M.Velliah
- 9.A.Paneer Selvam
- 10.K.Chandrasekaran
- 11.G.Rathinam
- 12.P.Sivaraj
- 13.A.Govindaraju
- 14.V.Kanagasabai
- 15.V.Muthukumaran
- 16.P.Ganesan
- 17.V.Muthukumarasamy
- 18.A.Veerasamy
- 19.V.Valayapathi
- 20.T.Arumugam
- 21.S.Rajendran
- 22.N.Dhanapalan
- 23.P.Arjun

24.P.B.Sadagopan
25.M.Manickam
26.M.Santhiyagu
27.G.Anbarasan
28.T.Devepriyan
29.J.Florence Gnanamani
30.C.Avayambal
31.K.Baby Shantha
32.S.Jayaraman
33.W.Juliet Ebenezer
34.V.Saraswathy
35.C.Pappa
36.C.Nagapushani
37.R.Vasantha
38.M.Kuppusamy
39.K.Purushothaman
40.P.Pattusamy
41.A.Marudhavanan
42.R.Saratha

(Respondents 2, 7 to 11, 16 to 21, 23, 24,
26, 29 to 37, 39, 40 and 42 given up)

43.The Chief Educational Officer,
Salem, Salem District.

44.The Secretary,
S.K.Velayutham Higher Secondary School,
Kurinjipadi, Cuddalore District-607 302.

45.The Secretary
Govt. Boys Higher Secondary School
Pennadam-606 105
Cuddalore District.

46.The Secretary
D.G.M.Higher Secondary School
Sethiathoppu, Chidambaram Taluk & Cuddalore District-608
702.

47.The Headmaster
Govt.Higher Secondary School
Kullanchavadi-607 301
Cuddalore District.

48.The Headmaster
Govt.High School,
Pinnalur Chidambaram Taluk,
Cuddalore District- 608 704.

- 49.The Headmaster
Government Boys Higher Secondary School
Kurinjipadi (Village & Taluk) 607 302
Cuddalore District.
- 50.The Headmaster
Govt.High School
Karupperi, Kunjimedu Post,
Kattumannarkoil Taluk
Cuddalore District-608 301.
- 51.The Secretary
Parvatha Raja Gurukulam Hr.Secondary School
Udayarkudi, Kattumannarkoil Taluk
Cuddalore District.
- 52.The Headmaster
Government Boys Hr.Secondary School
Kattumannarkoil
Cuddalore District.
- 53.The Secretary
Parvatha Raja Gurukulam Hr.Secondary School
Udayarkudi, Kattumannarkoil Taluk
Cuddalore District.
- 54.The Headmaster
Government Higher Secondary School
Vandipalayam, Cuddalore-607 004.
- 55.The Headmaster
Govt.Girls Higher Secondary School
Pennadam-603 105, Cuddalore District.
- 56.The Headmaster
Govt.High School
Karuppur & Post-608 401
Kattumannarkoil Taluk
Cuddalore District.
- 57.The Headmaster
Govt.Girls Higher Secondary School
Kattumannarkoil
Cuddalore District.
- 58.The Headmaster
Government Higher Secondary School
Reddiyur 608 304
Kattumannarkoil Taluk
Cuddalore District.

59.The Headmaster
Govt.Higher Secondary School
Kurinjipadi, Cuddalore District.

60.The Headmaster
Vallalar Gurukulam Higher Secondary School,
Vadalore 607 303
Cuddalore District.

61.The Headmaster
N.L.C. Higher Secondary School
Mandarakupam, Neyveli-2
Cuddalore District.

62.The Headmaster
Govt.Girls Higher Secondary School
Vadalur-607 303
Cuddalore District.

63.The Principal
District Institute of Education and Training
Vadalur-607 303
Cuddalore District.

64.The Headmaster
Govt.Girls Higher Secondary School
Kurinjipadi-607 303, Cuddalore District.

65.The Headmaster
Govt.High School
Gangaikondan Colony, Neyveli 607 802
Cuddalore District.

66.The Headmaster
Govt.Girls Higher Secondary School,
Vadalur 607 303.

67.The Headmaster
Govt. Higher Secondary School,
Seplanatham, Cuddalore District.

(Respondents 43 to 67 given up
as not necessary).

... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court in W.P.No.16097 of 2012 dated
25.06.2012.

Prayer in WP.No.16097 of 2012:Writ petition filed U/A 226 of the
Constitution of India to issue a writ of Mandamus directing the
respondents to extend the benefit of G.O.Ms.No. 216 Finance
(PC) Department dt 22.3.1993 and G.O.Ms.No.270 Finance (PC)
Department dt 26.8.2010 and G.O.Ms.No.258 School Education (M1)

Department dt 6.9.2010 in the light of the orders of the Honourable Division Bench in W.P.No.8747 of 2009 dt 14.7.2009 as confirmed by the Honourable Apex Court in CC.No. 2746/2010 dt 23.4.2010 immediately to the petitioners and award Special Grade Elementary School Head Master pay scale to the petitioners with effect from 1.6.1988 onwards and other retiral benefits.

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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

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Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.

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College Road, Nungambakkam, Chennai-600 006.

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VGII (CO)
sM:26.7.2018

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