

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
And
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1451 of 2018
And
C.M.P.No.11541 of 2018

- 1.The State of Tamilnadu
rep. by its Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai-9.
- 2.The State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department,
Fort St. George, Chennai-6.
- 3.The Director of School Education,
(Higher Secondary),
College Road,
Chennai-6.
- 4.The Chief Educational Officer,
Chennai District.
- 5.The Chief Educational Officer,
Cuddalore District.
- 6.The Chief Educational Officer,
Tiruvanamalai District.
- 7.The Chief Educational Officer,
Vellore District.
- 8.The Chief Educational Officer,
Namakkal District.
- 9.The Chief Educational Officer,
Villupuram Distirct.

10.The Chief Educational Officer,
Perambalur Distirct.

11.The Chief Educational Officer,
Ariyalur Distirct.

12.The Chief Educational Officer,
Trichy District.

13.The Chief Educational Officer,
Pudukottai District.

14.The Chief Educational Officer,
Sivagangai District.

15.The Chief Educational Officer,
Ramanathapuram District.

16.The Chief Educational Officer,
Nagapattinam Distirct.

17.The Chief Educational Officer,
Tiruvavarur District.

18.The Chief Educational Officer,
Madurai Distirct.

... Appellants

Vs.

- 1.SP.Nagarajan
- 2.K.Kamakshi
- 3.B.Ragothaman
- 4.K.Subramanian
- 5.G.Ammer 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.Bhoovaragasamy
28.K.Nagarajan
29.Savithiri
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.Balasubramaniyan
46.A.Amirtham
47.V.Ramalingam
48.D.Murugesan
49.S.Karuppiyah
50.P.Aynal
51.A.Vijayalakshmi
52.K.Balasubramaniyan
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.P.R.Ramu
65.V.Periyaiah
66.V.Kumarasamy
67.P.Nagalingam
68.R.Radhakrishnan



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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

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent seeking to set aside the order dated 28.06.2012 passed in W.P.No.16269 of 2012.

Prayers in WP.No. 16269 of 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 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

Special Government Pleader (Edn.)

For Respondents : Mr.L.K.Manjunath for R21 & R23

Mr.I.Saddam Hussain

for R3, R10, R22, R29, R30, R31,

R33, R35, R38 & R70

J U D G M E N T

(Order of the Court was made 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 09.12.2016 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. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai-9.

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- 2.The Secretary to Government,
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NRL (CO)
GSP (06/08/2018)



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