

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.1466 of 2018
And
C.M.P.No.11560 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 School Education
(Higher Secondary),
College Road, Nungambakkam,
Chennai - 600 006.
 - 3.The Chief Educational Officer,
Ootacamund, The Nilgiris District.
... Appellants/Respondents
- Vs.
- 1.Tmt.Esther Delialah ... Respondent/Petitioner

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent seeking to set aside the order dated 26.04.2012 passed in W.P.No.11990 of 2012.

WP.No.11990 of 2012:Writ petition filed under Article 226 of Constitution of India praying writ of certiorarified mandamus or any other writ, or order or direction in the nature of writ, to call for all the relevant records pertaining to the order passed by the 1st Respondent herein vide his proceedings Letter No.39631/M1/2011 dated 15.04.2011 and quash the same as illegal arbitrary discriminatory being violative of rules and principles of natural justice and thereby direct the Respondents to extent the benefits of G.O.Ms.No.216 Finance (Pay Commission) Department dt. 28.03.1993 and accordingly award selection Grade/Special Grade Scale of pay with effect from 01.06.1988 and revise pensionary benefits any pay arrears to the Petitioner.

For Appellants : Mr.C.Munusamy
Special Government Pleader (Edn.)
For Respondent : Mr.A.Bobblie

J U D G M E N T

(Order of the Court was made by HULUVADI G.RAMESH,J.)

Heard the learned Special Government Pleader appearing for the appellants as well as the learned counsel appearing for the respondent.

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(CCC)

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Sub Assistant Registrar

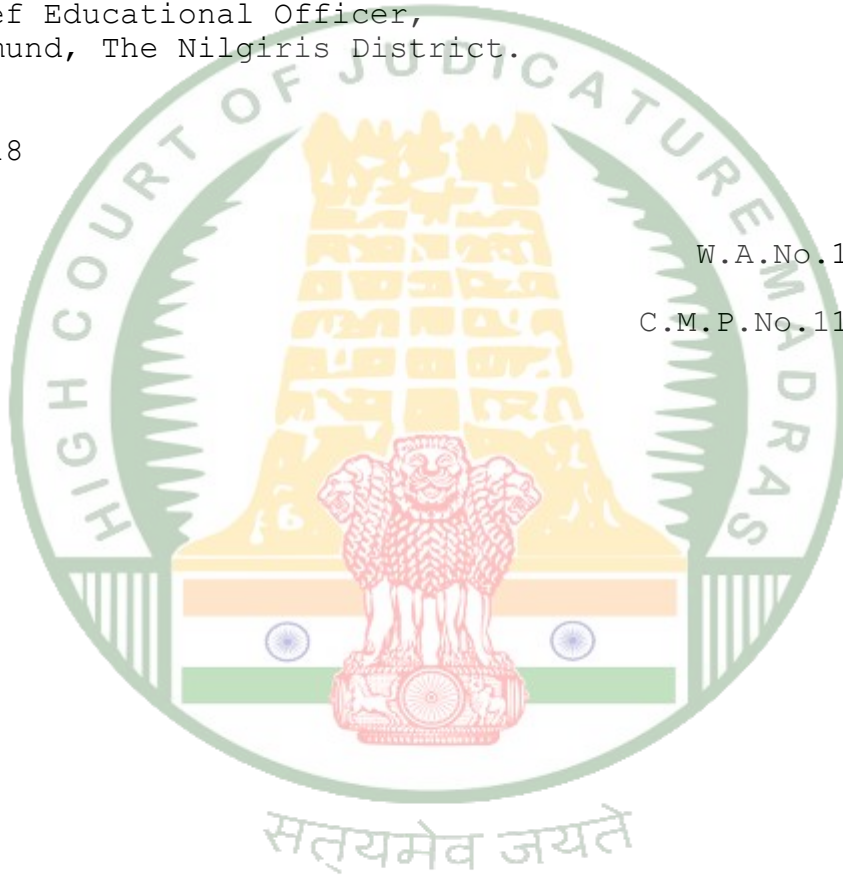
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To

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SJ(co)
sm:7.8.2018

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