

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.1470 of 2018

- 1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department, Fort St. George,
Chennai - 9.
- 2.The Director of Elementary Education,
College Road, Chennai - 600006.
- 3.The District Elementary Educational Officer,
Vellore District.
- 4.The Assistant Elementary Educational Officer
Pernambut Union, Vellore District.

.... Appellants/Respondents

Vs.

- 1.M.Karunakaran
- 2.N.Sundariammal
- 3.M.Paramasivam
- 4.P.Raman
- 5.W.Priscilla
- 6.M.Devaraj
- 7.V.Abel
- 8.P.Mala
- 9.B.Hamasaveni
- 10.D.Arumugam
- 11.N.Sakunthala
- 12.K.Gnanaarputam
- 13.K.Rangasamy
- 14.L.Amirthavasagam
- 15.K.Venkatesan
- 16.N.Lakshmanan
- 17.P.Sundaresan
- 18.M.Subramaniam
- 19.M.Manivelu
- 20.D.Arunainathan
- 21.G.Pichandi

22.D.Arumugam
23.M.Muthu
24.M.Sabarathinam
25.U.Mani
26.K.Govindarajan
27.N.Mahadevan
28.D.Swaminathan
29.R.Chandrakantha
30.N.Palani
31.G.Annamalai
32.P.Sivaraja
33.V.Karthikeyan
34.G.Mahalakshmi
35.S.Stella Suguna
36.M.Ranganathan
37.S.Kumari
38.E.Subramani
39.Y.Murugesan
40.M.Selvaraj
41.R.Ranganathan
42.M.Premasantha rubi
43.S.Vasantha
44.R.Adilakshmi
45.B.Lourdu Marina
46.K.P.Sokkammal
47.S.Pichai

.... Respondents/Petitioner

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent seeking to set aside the order dated 05.02.2014 passed in W.P.No.3095 of 2014.

W.P.No.3095 of 2014.

Writ Petition filed under Article 226 of the Constitution of India Praying for the issuance of a writ of Mandamus, Directing the respondents to extend the benefit of G.O.Ms.No.234 Education (G2) Department dated 10.9.2009 in so far as the petitioner is concerned and accordingly to award Selection/Special Grade scale of pay in the post of Elementary School Headmaster by taking count of their lower cadre Secondary Grade Assistant service as given to 63 persons is concerned

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

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.

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.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary of Court
Government of Tamil Nadu,
School Education Department, Fort St. George,
Chennai - 9.

2. The Director of Elementary Education,
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Vellore District.

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BR(CO)
GSP(07/08/2018)



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