

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.2.2018.

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.333 to 361 of 2018, 218, 271, 351, 358, 395,
570, 963, 965, 972, 1004, 1005, 1007, 1014,
1017 of 2016 and 819 of 2017

and

C.M.P.Nos.2807 to 2851 of 2018, 3229, 4453, 5280,
5360, 5773, 7548, 12342, 12344, 12520, 13099,
13100, 13102, 13240, 13261 of 2016
and 11444 of 2017

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

...1st Appellant in WA.Nos.333,
334,335, 336 to 338,340 to 344,346,
347,349to356/2018,357to361/2018,218,
271,351,358,395,570,972, 1004,
1007, 1014, 107/2016,819/2017

...2nd Respondent in WA.Nos.339,345,
348/2018,963,965,1005/2016

The Director of School Education,
(Higher Secondary),
College Road, Nungambakkam,
Chennai 600 006.

...2nd Appellant in WA.nos.333 to 338,
340 to 344,347,349 to 361/18,218,271,
351,358,395,570,972,1004,1007,1014,
1017/2016,819/2017

...3rd Appellant in WA.Nos.339,345,346,
348/2018,963,965,1005/2016

The State of Tamilnadu
Rep.by its Secretary to Government,
Finance (PC) Department,
Fort St. George, Chennai-9

...1st Appellant in WA.Nos.339,345,
348/2018,963,965,1005,2016

...2nd Appellant in WA.No.346/2018

The Chief Educational Officer,
Karur, Karur District. ...3rd Appellant in WA.No.333/18,
335/18,570/16,1004/16

The Chief Educational Officer,
Salem, Salem District. ...3rd Appellant in WA.No.334,335,
356 to 361/18,395/16,1007/16

The Chief Educational Officer,
Vellore, Vellore District. ...3rd Appellant in WA.No.338/18,
819/17
...7th Appellant in WA.No.339/18

The Chief Educational Officer,
Villupuram, Villupuram District. ... 4th Appellant in WA.No.348/18
... 3rd Appellant in WA.No.1014/16

The District Educational Officer,
Thirupathur, Vellore District. ...4th Appellant in WA.No.338/18

The District Educational Officer,
Vellore, Vellore District. ...5th Appellant in WA.No.338/18

The Chief Educational Officer,
Thiruvallur, Thiruvallur District. ...4th Appellant in WA.No.339,345/18
3rd Appellant in WA.No.340 to 343,
351 to 355/18, 972/16

The Chief Educational Officer,
Kancheepuram, Kancheepuram District. ...5th Appellant in WA.No.339/18

The Chief Educational Officer,
Thiruvannamalai, Thiruvannamalai District. ...6th Appellant in WA.No.339/18

The Chief Educational Officer,
Coimbatore, Coimbatore District. ...3rd Appellant in WA.No.344/18

The Chief Educational Officer,
Panagal Maligai, Saidapet,
Chennai-15 ...5th Appellant in WA.No.345/18

The Chief Educational Officer,
Dharmapuri, Dharmapuri District ...3rd Appellant in WA.No.349/18,
218, 271, 358/2016

The Chief Educational Officer,
Ootacamund, The Nilgiris

..3rd Appellant in WA.No.347,350/18,
1017/16

The Chief Educational Officer,
Virudhunagar, Virudhunagar District

..3rd Appellant in WA.No.351/2016

The Chief Educational Officer,
Perambalur, Perambalur District

..4th Appellant in WA.Nos.963, 965,
1005/2016

The Head Master
Government Higher Secondary School,
Kosavanpudur
Katpadi Taluk
Vellore District

..6th Appellant in WA.No.338/18

The Head Master
Government High School
Machenoor, Katpadi Taluk,
Vellore District

...7th Appellant in WA.No.338/2018

Versus

S.Venkataraman	...Respondent in WA.No.333/2018
M.Lalitha	...Respondent in WA.No.334/2018
P.Kamanayakan	...Respondent in WA.No.335/2018
C.Chidambaram	...Respondent in WA.No.336/2018
C.P.Pushpam	...Respondent in WA.No.337/2018
S.U.Ramalingam	...Respondent in WA.No.338/2018

- 1.R.Washington
- 2.M.Lily Mary
- 3.G.Johndurai
- 4.E.Eva Elizabeth Roopavathi
- 5.G.Arumugam
- 6.R.Karunakaran
- 7.P.Gopal Rao
- 8.D.Varadan
- 9.T.Asirvatham
- 10.D.Kanthimathi
- 11.J.Rajini Elsikumar
- 12.S.Flory Pushparani Punitha
- 13.A.Isaac
- 14.R.Rajamal
- 15.S.S.Kannaki
- 16.Indira

...Respondents in WA.No.339/2018

S.Abdul Goni ...Respondent in WA.No.340/2018
E.Periakuppan ...Respondent in WA.No.341/2018
M.Arumuga Mudali ...Respondent in WA.No.342/2018
R.Jayanthi Kumar ...Respondent in WA.No.343/2018
S.Shanmugavelu ...Respondent in WA.No.344/2018
D.Subramaniam ...Respondent in WA.No.345/2018

1.N.K.Thiyagarajan
2.S.Anusuya
3.V.Varadhan
4.C.Kasthuri ...Respondents in WA.NO.346/2018

1.T.Lakshmi
2.The Head Master
Sri Sarguru High School
Coonoor, The Nilgiris ...Respondents in WA.No.347/2018

K.Sadasivam ...Respondent in WA.No.348/2018
R.Kandaiyan ...Respondent in WA.No.349/2018

1.M.Jeyalakshmi
2.The Head Master
Sri Shanthi Vijai Girls School
Coonoor, The Nilgiris ...Respondents in WA.No.350/2018

A.Elumalai ...Respondent in WA.No.351/2018
G.Subramanian ...Respondent in WA.No.352/2018
O.Srinivasulu Chetly ...Respondent in WA.No.353/2018
S.Sanjeevi ...Respondent in WA.No.354/2018
P.Gangadharan, ...Respondent in WA.No.355/2018
M.Alamelu ...Respondent in WA.No.356/2018
V.Jagathamal ...Respondent in WA.No.357/2018
V.Jothi ...Respondent in WA.No.358/2018
N.Parasakthi ...Respondent in WA.No.359/2018
A.Banumathi ...Respondent in WA.No.360/2018
R.Sivagami ...Respondent in WA.No.361/2018
S.Kamalam ...Respondent in WA.No.218/2016
R.Veeramani ...Respondent in WA.No.271/2016
R.Vasantha ...Respondent in WA.No.351/2016
G.Krishnamoorthy ...Respondent in WA.No.358/2016
P.Vadivelu ...Respondent in WA.No.395/2016
A.Rubikaruna Manogaran ...Respondent in WA.No.570/2016
A.Rathinasamy ...Respondent in WA.No.963/2016
P.Narayanasamy ...Respondent in WA.No.965/2016
M.K.Vinayagam ...Respondent in WA.No.972/2016
M.Vimalarajakumari ...Respondent in WA.No.1004/2016
S.Ambrose ...Respondent in WA.No.1005/2016
L.Isabellah Rani ...Respondent in WA.No.1007/2016
G.Selvarajan ...Respondent in WA.No.1014/2016
A.Raju ...Respondent in WA.No.1017/2016
N.Krishnamaraju ...Respondent in WA.No.819/2017

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.10.2012 passed in W.P.No.27086 of 2012; 27129/2012, 27110/2012 & 27118/2012.

WA No.333 of 2018 570/2016 & 1004/2016

To set aside the order dated 09/10/2012 in WP No 27086/2012; 27129/2012, 27110/2012 & 27118/2012

WP No.27086 of 2012: directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.3.1993 in the light of the orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Supreme Court of India in C.C.No.2746/2010 dated 23.4.2010 and accordingly award Selection/ Special Grade Scale of pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioner

WA No.334 of 2018: & WA.1014/2016 To set aside the order dt.19/04/2012 in WP.No.10719/2012 & WP.10684/2012:

WP No.10719 of 2012:To call for all the relevant records pertaining to the order passed by the 1st respondent herein vide his proceedings No. Letter No.39631/M1/2011 dated 4.7.11 and quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the respondents to Extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.3.93 and accordingly award Selection/Special Grade scale of pay with effect from 1.6.88 and revise Pensionary benefits and pay arrears to the petitioner

WA No.336 of 2018: 337/2018; & 972/2016;To set aside the order dated 23.04.2012 in WP.15133/2011, 15138/2011; & WP/29513/2011;

WP No.15133 of 2011: To call for all the relevant records pertaining to the order passed by the 1st respondent herein vide his proceedings No.Letter No.39631/M1/2011 dated 15.4.2011 and quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the respondents to Extend the benefits of G.O.Ms.No. 216 Finance (PC) Department dated 22.3.1993 and accordingly award Selection/Special Grade Scale of pay with effect from 1.6.1988 and revise Pensionary benefits and pay arrears to the petitioner

WA No.338 of 2018:To set aside the order dated 06/07/2012 in WP No.7163/2012, WP No.17163 of 2012:

To calling for the records relating to the proceedings of the 1st respondent in Letter No.39631/M1/2011 dated 4.7.2011 and quash the same and direct the both respondents to refix the petitioners scale of pay at Rs.2000-60-2300-75-3200 with effect from 1.6.1988 in accordance with the G.O.MS.NO.216 Finance (PC) Department dated 22.3.1993 as per order passed by this Honourable court in W.P.No.8415 of 2011 dated 18.4.2011

WA No.339 of 2018:

To set aside the order dated 23/04/2012 in WP. No.20463/2011.

WP No.20463 of 2011:

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 in the light of the orders of the Honourable Division Bench in W.P.No.8747 of 2009 dt 14.7.2009 confirmed by the Honourable Supreme Court of India in CC No. 2746/2010 dt 23.4.2010 and accordingly award selection/special grade scale of pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners

WA No.340, 341, 342, 343, 344, 349, 351 to 355/2018; 1007/2016, 819/2017; WA.1017/2016;

To set aside the order dt,04/04/2012; 23.4.2012; 11.7.2012, 30/7/2012, in WP.No.8813/2012, 29165/2011, 29166, 29169/2011, 17819/2012, 29271/2011, 20011/2012, 29266, 29269, 29270/2011, 10872, 10937/2012, & WP.29140/2011.

WP No.8813 of 2012:To call for all the relevant records pertaining to the order passed by the 1st respondent herein vide his proceedings No. Letter No.39631/M1/2011 dated 04.07.2011 & 15.4.2011; and quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of nature justice and thereby direct the respondents to Extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 and accordingly award Selection/Special Grade scale of pay with effect from 01.06.1988 and revise Pensionary benefits and pay arrears to the petitioner.

WA No.345 of 2018 & 348/2018:

To set aside the order dated 14/03/2011 & 5.7.2012 in WP.No.6421 of 2011 & 16169/2012: सत्यमेव जयते

WP No.6421 of 2011 & 17169/2012;

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 in the light of the Orders of the Honourable Division Bench in W.P.No. 8747 of 2009 dt 14.7.2009 confirmed by the Honourable Supreme Court of India in CC.No. 2746/2010 dt 23.4.2010 and accordingly award selection/special Grade Scale of Pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners;

WA No.346 of 2018

To set aside the order dated 19/04/2012 in Wp.No.10947 of 2012.

WP No.10947 of 2012

to call for the records of the impugned orders of the 1st respondent in Government letters No. 39631/M1/2011 School Education Department dt 4.7.2011 issued to all the petitioners herein who are all senior citizen and quash the same as illegal, consequently direct the respondents to extend the benefit of G.O.Ms.No. 216, Finance (PC) Department dt 22.3.1993 and G.O.Ms.No.258, School Education (M1) Department dt 6.9.2010 in the light of the orders issued by the Honourable Division Bench of this Court in W.P.No.8747 of 2009 dt 14.7.2009 which also been followed by the Honourable Single Judge of this Honourable Court in the orders passed on 20.12.2011 in W.P. No. (MD) Nos. 9713 to 9718 of 2011 and batch accordingly award selection/SPL grade with effect from 1.6.1988 on from the date of completion of 10/20 years and to revise the pensionary benefits accordingly and pay arrears immediately to the petitioners.

WA No.347 of 2018 & 350/2018

To set aside the order dt.27/07/2012 in WP.no.19583/2012 & 18838/2012;

WP No.19583 of 2012:

Directing the respondents to implement the G.O.Ms.No.216 Finance (Pay Commission) Department dated 22.03.1993 and G.O.Ms.No.304, Finance (Pay Commission) Department dated 28.03.1990 and fix the petitioners Scale of Pay in Selection Grade and Special Grade in the time Scale of Rs.1640-60-2300-75-2900 and Rs.2000-60-2300-75-3200 respectively with effect from 01.06.1988 and direct the respondents to pay the arrears forthwith with 18% interest and grant arrears of all pensionary benefits

WA No.356 of 2018 to 361/2018

To set aside the order dt.03/08/2012 in WP.No.21120/2012, 21121, 21123, 21127, 21129, 21131/2012: Directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.3.1993 in the light of the orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Supreme Court of India in C.C.No.2746/2010 dated 23.4.2010 and accordingly award Selection/ Special Grade Scale of pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners;

WA.963, 965 & 1005/2016: To set aside the order dated 12.4.2012; made in

W.P.No.9877/2012, WP.9981/12 WP.9916/2012: To call for the records on the file of the second respondent in connection with the Order passed by her in her proceedings in Letter No. 39631/M1/2011 dated 15.4.2011 and quash the same and direct the respondents to pay the monthly benefits as per the Order passed by the first respondent in G.O.Ms.No.216 Finance (Pay Cell)

Department dated 22.3.1993 270 Finance (PC) Department dated 26.8.2010 and also as per the Order of the Honourable Division Bench in W.P.No.17187 of 2003 dated 28.11.2007 confirmed by the Honourable Apex Court in S.L.P. Civil CC.No.2746 of 2010 dated 23.4.2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and Service benefits by issuing a writ of certiorarified Mandamus;

WA.218, 271/2016, 351; 358, 395/2016 to set aside the order dated 16.4.2012, 4.4.2012, 23.4.2012, made in WP.No.9411/2012, WP.8759/2012, 29289/2011, 15399/2011, 8845/2012:

Common WP.Prayers:to call for all the relevant records pertaining to the order passed by the 1st respondent herein vide his proceedings No. Letter No.39631/M1/2011 dated 15.4.2011 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to Extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993 and accordingly award Selection/Special Grade scale of pay with effect from 1.6.1988 and revise Pensionary benefits and pay arrears to the petitioner

For appellants in
W.A.Nos.333 to 352 of 2018 : Mr.C.Munuswamy,
Special Government Pleader

For appellants in
W.A.Nos.353 to 361 of 2018 &
218 of 2016 : Ms.V.Annalakshmi,
Government Advocate

For appellants in
W.A.271, 351, 358, 395,
570, 963 and 965 of 2016 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For appellants in
W.A.972, 1004, 1005, 1007,
1014, 1017 of 2016 & 819/2017 : Mr.R.Prathapkumar, AGP

For respondents in
W.A.334 to 337, 340, 344,
351, 352 to 361 of 2018,
218, 271, 351, 358, 395,
963, 1004, 1005, 1007,
1014 of 2016 : Mr.A.R.Suresh for
Mr.V.Thirupathi

For respondents in
W.A.No.338 of 2018 : Mr.M.Tamilzhvel

For respondents in
W.A.No.346 of 2018 : Mr.G.Punniyakotti

For R1 in
W.A.No.350 of 2018 : Mr.A.Bobblie

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The issue raised in these writ appeals 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, these writ appeals stand disposed of in terms of the judgment of the Full Bench as mentioned above. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssk.

TO

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

2. The Secretary to Government,
Finance (PC) Department,
Fort St. George, Chennai-9

3. The Director of School Education,
(Higher Secondary),
College Road, Nungambakkam,
Chennai 600 006.

4. The Chief Educational Officer,
Karur, Karur District.

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

6. The Chief Educational Officer,
Vellore, Vellore District.

7. The Chief Educational Officer,
Villupuram, Villupuram District.

8. The Chief Educational Officer,
Kancheepuram, Kancheepuram.

9. The District Educational Officer,
Thiruvallur, Thiruvallur District.

10. The Chief Educational Officer,
Thiruvannamalai, Thiruvannamalai District.

11. The Chief Educational Officer,
Coimbatore, Coimbatore District.

12. The Chief Educational Officer,
Panagal Maligai, Saidapet

13. The Chief Educational Officer,
Dharmapuri, Dharmapuri District

14. The Chief Educational Officer,
Ootacamund, The Nilgiris

15. The Chief Educational Officer,
Virudhunagar, Virudhunagar District

16. The Chief Educational Officer,
Perambalur, Perambalur District

17. The Chief Educational Officer,
Thirupathur, Vellore District

18. The District Educational Officer,
Vellore, Vellore District.

19. The Head Master
Government Higher Secondary School,
Kosavanpudur
Katpadi Taluk, Vellore District



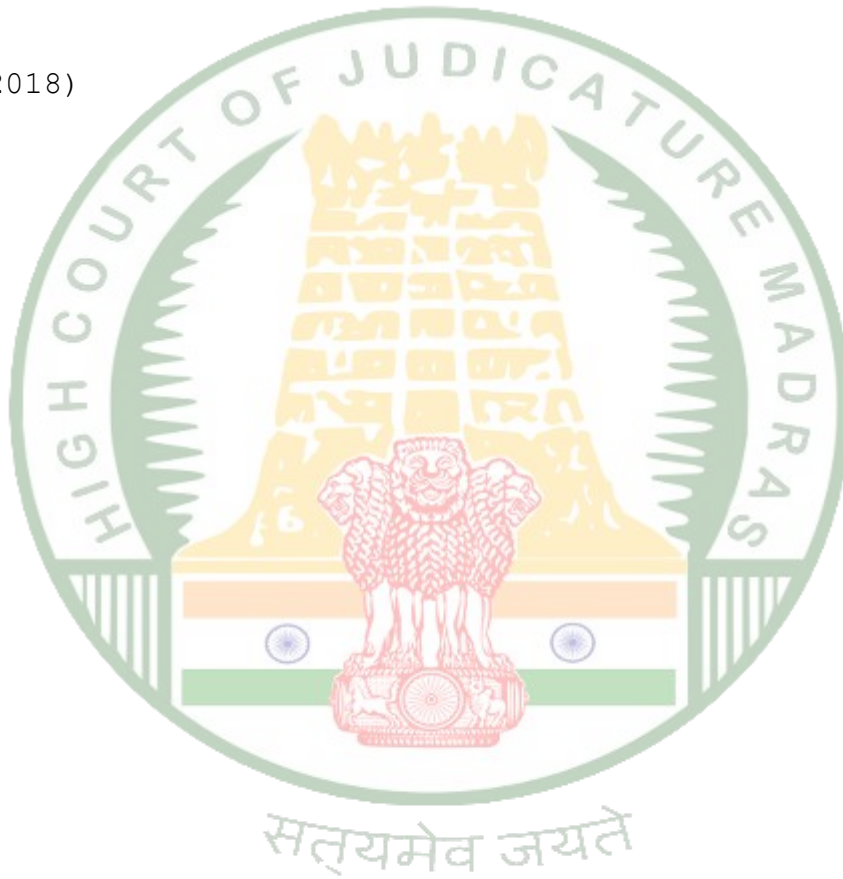
WEB COPY

20. The Head Master
Government High School
Machenoor, Katpadi Taluk,
Vellore District

+ 1 cc to Mr.G. Punniyakotti, Advocate Sr.10900
+ 1 cc to Government Pleader Sr.11154

W.A.No.333 of 2018, etc.

GMR(CO)
EU(10/05/2018)



WEB COPY