

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.16801 of 2015

And

MP No.1 of 2015

1.S.M.Joseph Cells
2.G.Muthusamy
3.V.Natesan

.. Petitioners

vs.

- 1.The State of Tamilnadu,
Rep. By the Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai- 600 009.
 - 2.The State of Tamilnadu,
Rep. By the Principal Secretary to Government,
Education Department,
Fort St. George, Chennai - 600 009.
 - 3.The Director of School of Education(Higher Secondary),
College Road, Chennai-600 006.
 - 4.The Chief Educational Officer,
Trichy, Trichy District.
 - 5.The District Educational Officer,
Trichy, Trichy District.
- .. Respondents

Prayer:This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.3.1993 and G.O.Ms.No.270, Finance (PC) Department dated 26.8.2010 in the light of the orders of the Hon'ble Division Bench in WP No.8747 of 2009 dated 14.7.2009 confirmed by the Hon'ble Apex Court in C.C.No.2746 of 2010 dated 23.4.2010 immediately to the petitioners.

For Petitioners

: Mr.Deivanandam

For Respondents

: Mr.K.Karthikeyan
Government Advocate.

O R D E R

The relief sought for in this writ petitioner is for a direction to directing the respondents to extend the benefit conferred in G.O.Ms.No.216, Finance (PC) Department, dated 22.3.1993.

2. The Hon'ble Full Bench of this Court, considering all the issues in connection with this Government Order and, rendered a judgment in Rev.Application No.227 of 2015 etc., W.A.Nos.1744 of 2015, etc. W.P.Nos.29774 of 2016, etc. and Contempt Petition Nos.1545 of 2016 etc. batch on 9.12.2016 and the relevant portion of the judgment is extracted hereunder:

"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

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. In paragraph 38, sub-clause (4), the Hon'ble Full Bench directed that no fresh writ petition could be entertained on and from 9.12.2016. The learned Government Advocate submits that writ petition is filed before the cut off date of 9.12.2016. Thus, the writ petitioners are entitled for the benefits granted by the Hon'ble Full Bench in respect of G.O.Ms.No.216, Finance (PC) Department, dated 23.3.1993.

4. Accordingly, the writ petition stands disposed of in terms of the judgment of the Hon'ble Full Bench passed in Rev.Application No.227 of 2015 etc., W.A.Nos.1744 of 2015, etc. W.P.Nos.29774 of 2016, etc. and Contempt Petition Nos.1545 of 2016 etc. batch dated 9.12.2016. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The State of Tamilnadu,
Rep. By the Secretary to Government,
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College Road, Chennai-600 006.

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

5.The District Educational Officer,
Trichy, Trichy District.

+lcc to Mr.M,Deivanandam, Advocate, S.R.No.47856

+lcc to the Government Pleader, S.R.No.48477

SMI/02.08.2018

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