

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.01.2018
CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.50 of 2018 and CMP.No.350 of 2018

1. The State of Tamil Nadu
rep. by its Secretary to Government,
School Education Department,
Fort. St.George, Chennai -9.
 - 2.The Director of School Education
(Higher Secondary),
College Road, Nungambakkam,
Chennai-6.
 3. The Chief Educational Officer,
Thiruvavarur, Thiruvavarur District.
-Appellants/Respondents
.. Vs ..
N.RamaiyanRespondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 23.04.2012 made in W.P.No.29265 of 2011 on the file of this Court.

WP.No.29265/2011:Petition filed under article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus 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 15.04.2011 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 22.03.1993 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 .

For Appellants : Mr.K.Karthikeyan, G.A.
For Respondent : M/s.M.Srividhya

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

Challenging the correctness of the order passed in W.P.No.29265 of 2011, dated 23.04.2012, the State has preferred this appeal.

2. The respondent herein filed the above Writ Petition seeking the relief for a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent therein 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 22.03.1993 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.

3. The brief facts leading to the filing of the above writ petition are as follows:-

a) The respondent/petitioner entered into service as a Secondary Grade Teacher in Government Higher Secondary School on 21.06.1963 and in that post, on completion of 10 and 20 years, he was awarded with Selection and Special Grade Scale of Pay. Further, on attaining the age of superannuation, he retired from service as Secondary Grade Teacher on 28.02.1997.

b. While so, according to the respondent herein, till the introduction of V Pay Commission on 01.06.1988, the scale of pay of secondary grade teachers working in High Schools/Higher Secondary Schools were equal with that of the Primary School Headmasters in the ordinary grade, selection grade and special grade respectively and after the introduction of V Pay Commission, the scale of pay of Primary School Headmaster was fixed higher than that of the Secondary Grade Teachers working in High Schools/Higher Secondary Schools. In order to have uniformity, the Government issued G.O.Ms.No.216, Finance (Pay Cell) Department dated 22.03.1993 by which the Secondary Grade Teachers employed in High Schools/Higher Secondary Schools were also eligible for the scale of pay on par with the Primary School Headmasters. Therefore, the specific case of the respondent herein is that he is entitled to get the selection grade/special grade scale of pay as per the Government Order in G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 w.e.f. 1.6.1988.

4. After hearing the rival submissions made on either side, the learned Single Judge of this Court disposed of the said writ petition along with other writ petitions directing the respondents therein to extend the benefits of G.O.Ms.No.216, Finance (PC) Department dated 22.3.1993 and G.O.Ms.No.258, School Education (M1) Department dated 6.9.2010 to the petitioners therein in the light of the orders passed by a Division Bench of this Court in W.P.No.8747 of 2009 dated 14.7.2009 as confirmed by the Hon'ble Apex Court in C.C.No.2746/2010 dated 23.4.2010 and also in the light of the order of this Court dated 20.12.2011 made in a batch of Writ petitions in W.P. (MD) Nos.9713 to 9718 etc. Aggrieved over

the same, the respondents therein are before this Court with this Writ Appeal.

5. Heard the learned counsel appearing for the parties.

6. The issue raised in this writ appeal 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."

7. Accordingly, this writ appeal stands disposed of in terms of the judgment of the Full Bench as mentioned above. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tsi

To

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

2.The Director of School Education
(Higher Secondary),
College Road, Nungambakkam,
Chennai-6.

3. The Chief Educational Officer,
Thiruvavarur, Thiruvavarur District.

+1cc to M/s.M.Srividya, Advocate Sr.No.6127

+1cc to Government Pleader SR.No.6587

MP (CO)

sm:22.2.2018

<https://hcservices.ecourts.gov.in/hcservices/>

W.A.No.50 of 2018