

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.959 of 2018

1. K.Sundaram
2. A.Krishnamurthy
3. K.Kaliyavarathan
4. A.Ramalingam
5. D.Narasingham ..Appellants/Petitioners 51,53,55,56 & 62.

Versus

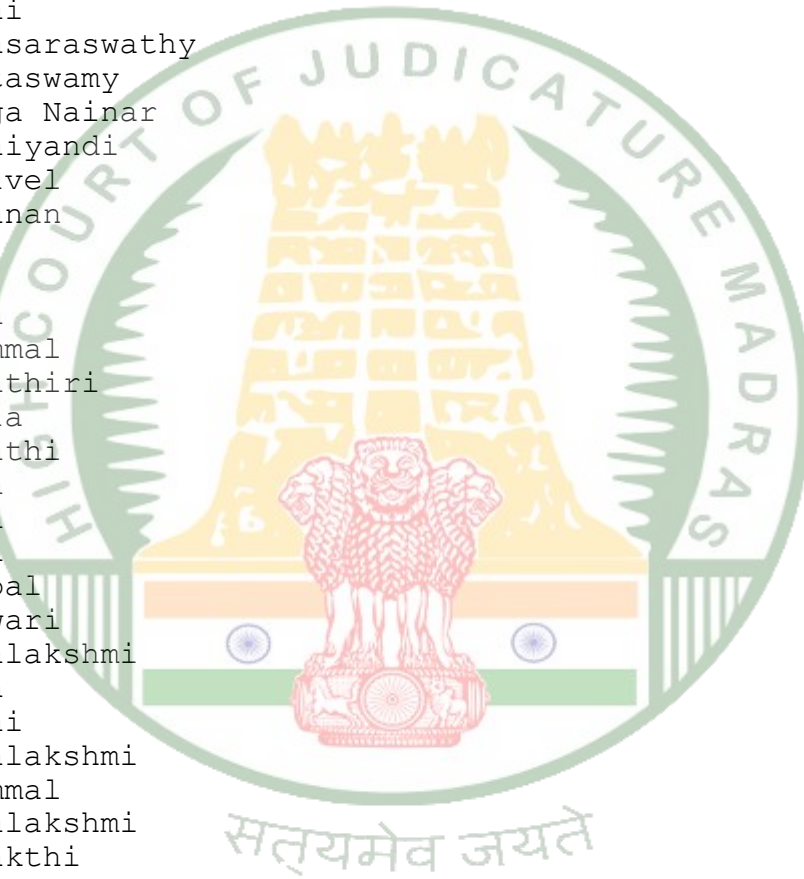
1. The State of Tamilnadu rep. by
the Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education
(Higher Secondary),
DPI Compound,
College Road,
Nungambakkam, Chennai 600 006.
3. The District Education Officer,
Kancheepuram.
4. The Chief Educational Officer,
Chennai South, Chennai.
5. The Chief Educational Officer,
Vellore.
6. The Chief Educational Officer,
Thiruvannamalai.
7. The Chief Educational Officer,
Thiruvallur.
8. The Chief Educational Officer,
Cuddalore.
9. The Chief Educational Officer,
Villupuram.

10. The Chief Educational Officer,
Dindigul.

11. The Chief Educational Officer,
Salem.

12. The Chief Educational Officer,
Pudukottai.

13. M.Elumalai
14. P.Elangovan
15. Jamunabai
16. T.Pushpasaraswathy
17. S.Venkataswamy
18. C.Arumuga Nainar
19. M.Sudalaiyandi
20. D.Sakthivel
21. L.Narayanan
22. M.Padma
23. N.Chaya
24. S.Vimala
25. S.Pattammal
26. T.R.Gayathiri
27. V.Suseela
28. M.R.Gomathi
29. R.Girija
30. K.Sarada
31. D.Mohana
32. V.Vedambal
33. B.Rajeswari
34. V.Vijayalakshmi
35. N.Vimala
36. Unnamalai
37. S.Vijayalakshmi
38. S.Pattammal
39. V.Vijayalakshmi
40. V.Parasakthi
41. D.Srinivasan
42. N.Hemalatha
43. V.Premavathi
44. D.Mary Packiawathy
45. N.Lakshmi Kantham
46. N.Komalavalli
47. M.Navaneethammal
48. N.Mahalakshmi
49. M.Jayalakshmi
50. S.D.Aoponse Mary
51. S.Lakshmi
52. J.Padma
53. K.S.Noorjehan



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54. S.Vanjulam
55. S.Authimale
56. M.Thangam
57. S.Kousalya
58. J.Mabel Hepzibai
59. C.Chinnasamy
60. K.Mariappan
61. M.Mariyappan
62. M.Duraisamy
63. D.Sundaramoorthy
64. S.Lalitha
65. C.Sethuraman
66. R.Kannappan
67. M.Kaliyan
68. Md.Shajahan
69. T.Arutjothi
70. K.Manickam
71. Anbumani

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.11.2013 passed in W.P.No.4354 of 2013 on the file of this court.

W.P.No.4354 of 2013:

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993 in the light of Orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Apex Court in CC 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.

For appellants : Ms.M.Srividya
For RR 1 to 12 : Mr.C.Munusamy,
Special Government Pleader

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 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."

3. 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 closed. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

ssk.
To:

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State of Tamilnadu
School Education Department,
Secretariat, Chennai 600 009.
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(Higher Secondary), सत्यमेव जयते
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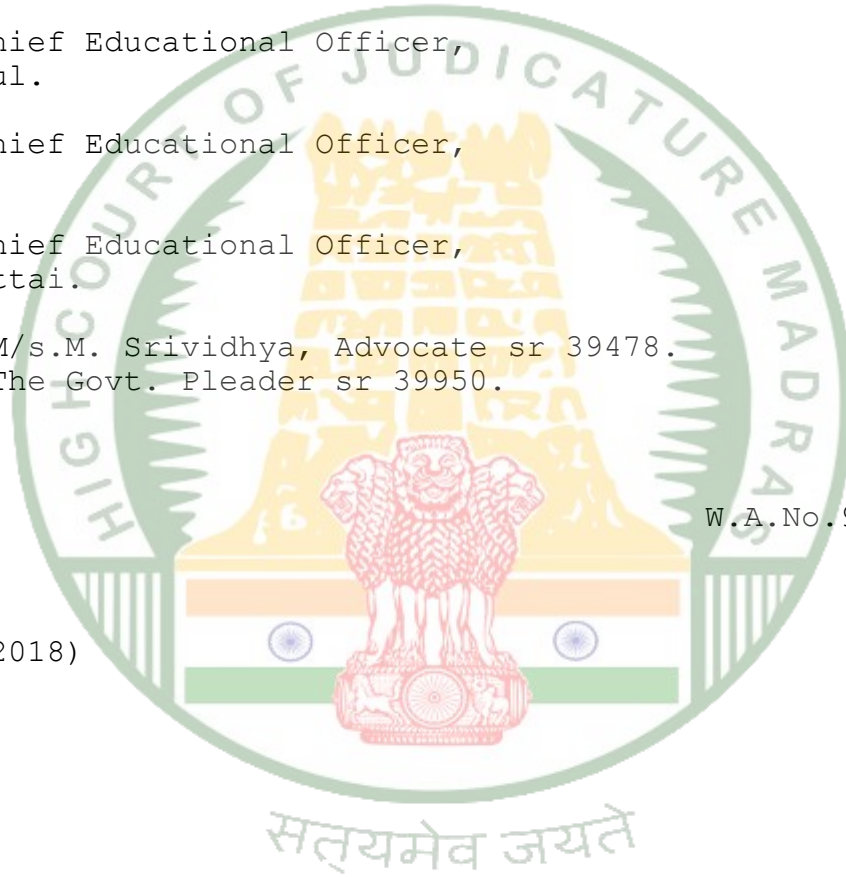
12. The Chief Educational Officer,
Pudukottai.

+1 CC to M/s.M. Srividhya, Advocate sr 39478.

+1 CC to The Govt. Pleader sr 39950.

W.A.No.959 of 2018

SP(02/08/2018)



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