

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6965 of 2014

R.Gopalakrishnan

... Petitioner

vs.

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

2. The Director of School Education,
College Road,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the respondents to consider the petitioner's representation dated 28.01.2014 and consequently direct the respondents to fix the special grade pay at Rs.2000-3200 with effect from 01.06.1988 as per G.O.Ms.No.304 dated 28.03.1990 and G.O.Ms.No.216 dated 22.03.1993 issued by the Finance (Pay Commission) Department for the petitioner and pay the pension and compute the arrears of salary payable to the petitioner correspondingly.

For Petitioner : M/s.C.Uma

For Respondents: M/s.K.Karthikeyan for R.1 and R.2
Government Advocate

O R D E R

The relief sought in the present writ petition is for a direction to the respondents to extend the benefits 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:

"38. 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. 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 Special Government Pleader submits that the writ petition was filed before the cut off date of 9.12.2016. Thus, the writ petitioner is 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 allowed 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2. The Director of School Education,
College Road,
Chennai - 600 006.

+ 1 cc to M/s. C. Uma, Advocate Sr.75237
+ 1 cc to Government Pleader Sr.76783

W.P.No.6965 of 2014

VGI(CO)
EU(06/12/2018)