

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.11.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 18378 OF 2018

1. P.Arumugapandi
2. S.Maragathavally, ***W/o.Late Rajendran**
3. S.Maragathavally
4. Samuthiram
5. C.Subbu Lakshmi
6. Poornathai Samveul
7. V.Chinnammal .. Petitioners

- Vs -

1. The Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Director of School Education
College Road, Chennai 600 006. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to extend the benefits of G.O. Ms. No.216, Finance (Pay Cell) Department dated 22.3.1993 to the petitioners will all monetary benefits within a time frame as may be fixed by this Court.

For Petitioner : Mr. R.Kamaraj

For Respondents : Ms. P.Kavitha, GA

ORDER

Ms. P.Kavitha, learned Government Advocate takes notice on behalf of the respondents.

2. It is the case of the petitioners that they retired from service as Secondary Grade Teachers without any promotion on various dates. It is the claim of the petitioners that the

benefit of G.O. No.216 dated 22.3.1993 should be extended to them. Therefore, on the basis of G.O. Ms. No.216 dated 22.3.1993, the petitioners sent a representation dated 20.11.2016 to the respondents claiming the benefit under the said Government Order. Since no orders have been passed on the said representation, the petitioners have filed the present petition.

3. Learned counsel appearing for the respondents produced a copy of judgment dated 20.9.2017 in W.P. No.3808 of 2016, etc., batch and submitted that direction has been given to award selection or special grade of pay with effect from 1.6.1988 and revision of pension benefits and pay arrears to the petitioners therein. It is further submitted that a cut off date of 9.12.2016 has been fixed whereinafter, a direction has been issued that no writ petition would be entertained.

4. The implementation of G.O. Ms. No.216 for the purpose of grant of selection grade and special grade pay has been approved by this Court vide order dated 20.9.2017 in W.P. No.3808 of 2016, etc., batch, wherein the Full Bench has fixed a cut off date for the purpose of entertaining the claim. Therefore, it is clear that persons, whose claim are legitimate, could very well claim the benefit of G.O. Ms. No.216.

5. In such view of the matter, this Court directs the respondents to consider the representation of the petitioners for grant of selection grade and special grade scales of pay on the basis of G.O. Ms. No.216 dated 22.3.1993, if they are otherwise entitled to, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

This Writ Petition having been listed on Tuesday, the Eleventh day of December, 2018 under the caption for clarification in pursuance of the order of this court dated 27.11.2018 made here in the presence of the above said advocates this court made the following order:-

This matter is listed today under the caption "for clarification" at the instance of the learned Government Advocate appearing for the respondents.

2. It is submitted by the learned Government Advocate appearing for the respondents that the restriction contained in the judgment of the Full Bench of this court was that no fresh petition would be entertained on or after 09.12.2016 and therefore, this Writ petition cannot be entertained.

3. A perusal of the Original records available on record would disclose that this writ petition has been filed prior to 09.12.2016, i.e., 23.11.2016. Hence, the order, dated 27.11.2018, passed in the above writ petition shall remain unaltered/hold good. The issue is clarified accordingly.

Sd/-

Assistant Registrar (CS VIII)

***corrected as per letter
dated 06.11.2019 addressed to
Registrar Judicial**

-s/d-

**Assistant Registrar (CS III)
dt 25/11/2019**

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Director of School Education
College Road, Chennai 600 006.

To be substituted for
the order already
despatched on 22.01.2019

+7cc to Mr. R.Kamaraj, Advocate, S.R.No.81257
+1cc to the Government Pleader, S.R.No.81374

W.P.NO.18378 OF 2018

RSI (CO)
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