

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.930 of 2016

- 1.R.Veerasamy
- 2.K.Visvalingam
- 3.N.Chinnaiyan
- 4.P.Arumugham
- 5.K.Krishna Raj
- 6.K.Mohamed Younus
- 7.D.Sambandam
- 8.P.Krishnamoorthy
- 9.M.Selvaraj
- 10.P.Gnanam
- 11.C.Tamilmani
- 12.K.Rajalakshmi
- 13.T.Raman
- 14.N.Gurusamy
- 15.S.Mani

..... Appellants

vs

- 1.The Government of Tamilnadu,
Rep. by the Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Ariyalur, Ariyalur District.
- 4.The Chief Educational Officer,
Trichy, Trichy District.
- 5.The Chief Educational Officer,
Cuddalore, Cuddalore District.

- 6.The Chief Educational Officer,
Salem, Salem District.
- 7.The District Educational Officer,
Udaiyarpalayam, Ariyalur District.
- 8.The District Educational Officer,
Lalgudi, Trichy District.
- 9.The District Educational Officer,
Salem, Salem District.
- 10.The District Educational Officer,
Virudhachalam, Cuddalore District.
- 11.The Headmaster,
Government Higher Secondary School,
Melankuzhi 612 903, Ariyalur District.
- 12.The Headmaster,
Government Boys Higher Secondary School,
Udayarpalayam T.K. Meensurity 612 903
Ariyalur District.
- 13.The Headmaster
Government Higher Secondary School,
Ulkotta - 612 903, Udayarpalayam,
Ariyalur District.
- 14.The Headmaster,
Government High School,
Nagar, Lalgudi TK,
Trichy District 621 703.
- 15.The Headmaster,
Government High School,
Lalgudi TK, Trichy District 621 703.
- 16.The Headmaster,
Sevasangam Girls Higher Secondary School,
Trichy -1.
- 17.The Headmaster,
Govt. Higher Secondary School,
Kodalikaruppur,
Ariyalur District - 612 902.

18.The Headmaster,
Government High School,
Chinnaivalayam, Jayakondam TK,
Ariyalur District.

19.The Headmaster
Government Higher Secondary School,
Reddiyur - 608304, Kattumannarkoil T.K.
Cuddalore District.

20.The Headmaster
Government Girls High School,
Aaragalur Post 636 101
Aathur Taluk, Salem District.

21.The Headmaster
Government Higher Secondary School,
Siruvachur Post 636 112.
Aathur Taluk, Salem District.

22.The Headmaster
Government Higher Secondary School,
Marudhur 621 710
Ariyalur TK & District.

23.The Correspondent
C.S.I. Higher Secondary School,
Aathur - 636 102
Aathur Taluk, Salem District.

24.The Correspondent,
P.R.G.Higher Secondary School,
Kattumannar Koil - 608 301
Cuddalore District.

25.P.Balakrishnan

26.V.Srinivasan

27.K.Velayutham

28.R.Jayaraman

29.M.Jaganathan

30.M.Annapooval

31.G.Baby

32.K.Govindan

33.C.Krishnan

34.I.Chinnathai

35.K.K.Venkataramanan

36.T.Subramanian

37.V.Thiyagarajan

..... Respondents

(Respondents 25 to 37 are not necessary party in the writ appeal. Hence, they are given up, no notice to them)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.10212 of 2013 dated 18.11.2013.

W.P No.10212 of 2013

Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Directing the respondents to extend the benefit of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 and G.O.Ms.No.270 Finance (PC) Department dated 26.08.2010 and G.O.Ms.No.258 School Education (M1) Department dt. 06.09.2010 in the light of the Orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Honourable Apex Court in CC.No. 2746/2010 dated 23.04.2010 immediately to the petitioners and award Special Grade Elementary School Head Master pay scale to the petitioners with effect from 01.06.1988 onwards and other retiral benefits.

For Appellants : Mr.V.Thirupathi

For Respondents : Mr.K.Karthikeyan
Govt. Advocate for R1 to R22
No appearance for RR23 & 24
RR25 to 37 - Given up

J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN, J.]

The claim made by the appellants, on the strength of the Government Order in G.O.(Ms) No.216 Finance (P.C) Department dated 22.03.1993, was dismissed by the learned Single Judge by Common Order dated 18.11.2013 in W.P.No.10212 of 2013. Feeling aggrieved against the same, the present intracourt appeal has been filed.

2. The learned Government Advocate appearing for the State, by placing reliance on the Full Bench decision of this Court in Government of Tamil nadu vs G. Easwaran and Others reported in (2017) 2 MLJ 257, submitted that the issue raised in this writ appeal is covered by the said decision.

3. The Full Bench, in the order cited supra, considered the scope and ambit of the Government Order in G.O.(Ms) No.216

Finance (P.C) Department dated 22.03.1993. Paragraph-38 of the order reads thus:

"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 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;"

4. In view of the above decision, the appellants are entitled to the benefit of the Government Order only to the extent recognised by the Full Bench.

5. The writ appeal is disposed of by following the order of the Full Bench in Government of Tamil Nadu vs G. Easwaran and Others reported in (2017) 2 MLJ 257. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
The Government of Tamilnadu,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Ariyalur, Ariyalur District.
- 4.The Chief Educational Officer,
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- 9.The District Educational Officer,
Salem, Salem District.

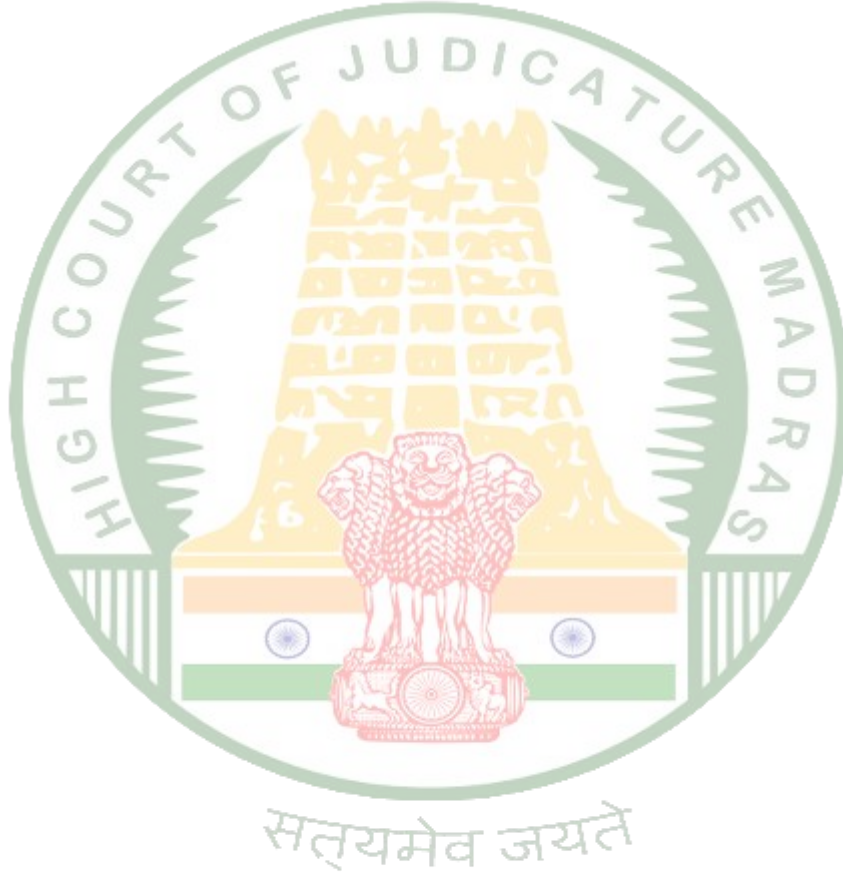
10.The District Educational Officer,
Virudhachalam, Cuddalore District.

+1cc to Mr.V.Thirupathi, Advocate, S.R.No.45874

+1cc to the Government Pleader, S.R.No.46194

W.A.No.930 of 2016

GJII(CO)
GSP(10/08/2018)



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