

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

WRIT PETITION NOS.3821, 3842, 9893, 10112,
14651, AND 43164, OF 2016

AND

W.M.P.NOS.3158, 3159, 3215, 8881, 9011, 9012,
12817, 12818, AND 36998 OF 2016 AND

W.M.P.NOS. 15195 TO 15199 & 15201 OF 2018

W.P.No.3821 of 2016

1 V.JAGATHRATCHAGAN
2 L.PATHIRAJU ... PETITIONER in WP No.3821 of 2016

1 D.VENKATESAN
2 S.THANGAM ... PETITIONER in WP No.3842 of 2016

1 KA.M.K.CHANDRASEKARAN ... PETITIONER in WP No.9893 of 2016

1 V.RAJASEKARAN
2 A.GOVINDARAJAN
3 SAGUNTHALA ... PETITIONER in WP No.10112 of 2016

1 V.GANDHI
2 S.RAMADOSS ... PETITIONER in WP No.14651 of 2016

1 V.DHEENADHAYALAN ... PETITIONER in WP No.43164 of 2016

Vs.

1 STATE OF TAMILNADU REP. BY
THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT SECRETARIAT CHENNAI-9

2 THE SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT SECRETARIAT CHENNAI-9

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6

4 THE CHIEF EDUCATIONAL OFFICER
THIRUVALLUR DISTRICT THIRUVALLUR

5 THE CHIEF EDUCATIONAL OFFICER
NAGAPATTINAM DISTRICT NAGAPATTINAM
... RESPONDENT in WP No.3821 of 2016

1 STATE OF TAMIL NADU
REP. BY THE SECRETARY TO GOVERNMENT FINANCE
(PAY CELL) DEPARTMENT SECRETARIAT CHENNAI-9.

2 STATE OF TAMIL NADU
REP. BY THE SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT SECRETARIAT CHENNAI-9.

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6.

4 THE CHIEF EDUCATIONAL OFFICER
VILLUPURAM DISTRICT VILLUPURAM

5 THE CHIEF EDUCATIONAL OFFICER
TIRUVARUR DISTRICT TIRUVARUR

6 THE DISTRICT ADI DRAVIDAR
WELFARE COLLECTORATE VILLUPURAM
... RESPONDENT in WP No.3842 of 2016

1 STATE OF TAMILNADU REP. BY
THE SECRETARY TO GOVT. FINANCE (PAY CELL)
DEPT. SECRETARIAT CHENNAI-9.

2 STATE OF TAMILNADU REP. BY
THE SECRETARY TO GOVT. EDUCATION DEPT.
SECRETARIAT CHENNAI-9.

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6.

4 THE CHIEF EDUCATIONAL
OFFICER THIRUVARUR DISTRICT THIRUVARUR.
... RESPONDENT in WP No.9893 of 2016

1 STATE OF TAMILNADU REP. BY
THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT SECRETARIAT CHENNAI-9

2 THE SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT SECRETARIAT CHENNAI-9

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6

4 THE CHIEF EDUCATIONAL OFFICER
THIRUVARUR DISTRICT THIRUVARUR

5 THE CHIEF EDUCATIONAL OFFICER
CUDDALORE DISTRICT CUDDALORE
... RESPONDENT in WP No.10112 of 2016

1 STATE OF TAMIL NADU REP. BY
THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT SECRETARIAT CHENNAI-9

2 THE SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6.

4 THE CHIEF EDUCATIONAL
OFFICER THIRUVARUR DISTRICT THIRUVARUR
... RESPONDENT in WP No.14651 of 2016

1 STATE OF TAMIL NADU
REP BY THE SECRETARY TO GOVT. FINANCE (PAY
CELL) DEPARTMENT SECRETARIAT CHENNAI-9

2 STATE OF TAMIL NADU REP BY
THE SECRETARY TO GOVT. EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6

4 THE CHEIF EDUCATIONAL
OFFICER TRICHY DISTRICT TRICHY
... RESPONDENT in WP No.43164 of 2016

Prayers in WP.Nos.3821, 3842, 9893, 10112,
14651, AND 43164 OF 2016:-

WP No.3821 of 2016

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms. No.62, Finance (CMPC)

Dept., dated 9.3.2015 and quash the same to the extent it has denied the benefit of G.O.Ms. No. 216, Finance Department, dt 22.3.1993 to the Special Teachers and direct the respondents to pay the benefit of G.O.Ms. No. 216, Finance Department, dated 22.3.1993

WP No.3842 of 2016:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus directing the respondents to pay all the monetary and service benefits available to the petitioner under G.O.Ms.No.216, Finance (Pay Cell) Dept. dated 22.03.93 and G.O.Ms.No.62, Finance (CMPC) Dept., dated 9.3.15 to the petitioner with effect from the date of G.O.Ms.No.216 Finance (Pay Cell) Dept., dated 22.3.93 with all monetary and service benefits or pass any other appropriate writ order or Direction as this Honourable Court

WP No.9893 of 2016:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus directing the respondents to pay all the monetary and service benefits available to the petitioner under G.O.Ms.No.216, Finance (Pay Cell) Dept., dated 22.03.93 and G.O.Ms.No.62, Finance (CMPC) Dept., dated 09.03.2015 to the petitioner with effect from the date of G.O.Ms.No.216, Finance (Pay Cell) Dept., dated 22.03.93 with all monetary and service benefits

WP No.10112 of 2016:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No. 62, Finance (CMPC) Dept., dated 09.03.15 and quash the same to the extent it has denied the benefit of G.O.Ms.No. 216, Finance Dept., dated 22.03.93 to the Special Teachers and direct the respondents to pay the benefit of G.O.Ms.No. 216, Finance Dept., dated 22.03.93

WP No.14651 of 2016:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.62, Finance (CMPC) Dept., dated 9.3.2015 and quash the same to the extent it has denied the benefit of G.O.Ms.No.216, Finance Dept., dated 22.03.1993 to the Special Teachers and direct the respondents to pay the benefit of G.O.Ms.No.216, Finance Dept., dated 22.03.1993.

WP No.43164 of 2016

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to direct the respondents to pay all the monetary and service benefits available to the petitioner under G.O.Ms. No.216, Finance (Pay Cell) Dept., dated 22.3.93 with all monetary and service benefits

For Petitioners in W.P.Nos.3821, 3842, 9893, 10112 and 14651/2016 : Mr.R.Singaravelan SC
for M/s.M.Srividhya

For Petitioner in W.P.No.43164/2016 : Mr.R.Singaravelan SC
Mr. V.S.Jagadeesan

For Respondent-1 in all W.Ps. : Mrs.V. Kadhirvelu
Special Govt.Pleader

For Respondents 2-5 in all W.Ps. : Mrs.P.Kavitha
Government Advocate.

COMMON ORDER

Since the issue involved in these Writ Petitions and the relief sought for thereunder is interconnected, these Writ Petitions are taken up together, and disposed of vide this common order.

2. These Writ Petitions can be segregated into two sets, as per the relief sought for thereunder.

i) The grievance of the petitioners in one of set of Writ Petitions is that though they are entitled to the benefit of the Government Order issued by the Finance (Pay Commission) Department, vide G.O.Ms. No.216 dated 22.03.1993 with regard to the grant of monetary and service benefits by the respondents, the said benefit was denied to them, vide the impugned Government Order in G.O.Ms.No.62 dated 09.03.2015. Challenging the said denial, the petitioners have filed W.P.Nos.3821, 10112 and 14651 of 2016, seeking to quash the impugned order in G.O.Ms.No.62 dated 09.03.2015.

ii) Insofar as the other set of Writ Petitions is concerned, i.e., in W.P.Nos.3842, 9893 and 43164 of 2016, though the petitioners are entitled to the benefit of G.O.Ms. No.216 Finance Department, dated 22.03.1993, and inspite of the

representations filed by them in this regard, the said benefit has not been extended to them. Thus, aggrieved by the inaction of the respondents, the petitioners seeks issuance of writ of mandamus to the respondents to extend the benefit of G.O.Ms.No.216, dated 22.03.1993 based on their representations.

3. At the outset, the learned counsel appearing for the petitioners points that the issue involved in this Writ Petition is no longer res integra, as it is governed by a decision of the Hon'ble Full Bench of this Court, in re (Government of Tamil Nadu and others Vs. G.Eswaran and others) in R.A.No.227 of 2015, dated 09.12.2016, reported in [(2017) 2 LLN 241 (Mad)], and as such, the impugned Government Order, dated 09.03.2015, denying the benefit of G.O.Ms.No.216, dated 22.03.1993 may be quashed and the respondents may be directed to extend such benefit to the petitioners by considering the representation of the petitioners.

4. The learned Government Advocate appearing for the respondents fairly admits that the petitioners are entitled to such benefit, and as such, the representations would be considered in the light of the aforesaid covered decision within a stipulated period, as directed by this Court, if the petitioners are otherwise, eligible to,

5. Considering such submission of the learned counsel appearing for the parties, this Court, without going into the merits of such representation, disposes of the Writ Petitions in W.P.Nos.3842, 9893 and 43164 of 2016 with a direction to the respondents to examine the representations of the petitioners and take an informed and considered decision on such representations, extending the benefit of G.O.Ms.No.216, dated 22.03.1993 in the light of the ratio decidendi laid down by the Hon'ble Full Bench in R.A.No.227 of 2015, dated 09.12.2016 reported in [(2017) 2 LLN 241 (Mad)] within a period of eight weeks from the date of receipt of a copy of this order. Insofar as W.P.Nos.3821, 10112 and 14651 are concerned, the orders impugned thereunder are quashed and the petitioners are directed to make representation to the respondents within a period of three weeks from the date of receipt of a copy of this order, and if such representations are made, the respondents are directed to examine such representations and take an informed and considered decision on such representations, extending the benefit of G.O.Ms.No.216, dated 22.03.1993 in the light of the ratio decidendi laid down by the Hon'ble Division Bench in R.A.No.227 of 2015, dated 09.12.2016 reported in [(2017) 2 LLN 241 (Mad)] within a period of four weeks thereafter. However,

it is made clear that the observation of this Court in this order could not be treated as mandate to grant the benefit to the petitioners, unless, they are covered by the said G.O.Ms.No.216, dated 22.03.1993. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Finance (Pay Cell) Department, Secretariat, Chennai-9
2. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Education Department, Secretariat, Chennai-9
3. The Director of School
Education College Road Chennai-6
4. The Chief Educational Officer
Villupuram District Villupuram
5. The Chief Educational Officer
Thiruvarur District Thiruvarur
6. The Chief Educational Officer
Thiruvallur District Thiruvallur
7. The Chief Educational Officer
Cuddalore District Cuddalore
8. The Chief Educational Officer
Nagapattinam District Nagapattinam
9. The District Adi Dravidar Welfare Officer,
Collectorate, Villupuram
10. The Chief Educational Officer, Trichy.

+1cc to the Government Pleader, S.R.No.40908

Writ Petition Nos.3821, 3842, 9893,
10112, 14651, and 43164, of 2016

SSV(CO)
CS/14/08/18