

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.41150 of 2016

P.Thamayanthi ... Petitioner

-vs-

1.The Secretary to Government,
Finance (PC) Department
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Education,
Directorate, DPI Building,
College Road, Chennai-600 006. ... Respondents

Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to extend the benefits of the G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.03.1993 passed by the first respondent to the petitioner within a time frame as may be fixed by this Court.

For Petitioner :: Mr.R.Kamaraj

For Respondents:: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

(Made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2.The issue raised in this writ petition 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 petition stands disposed of in terms of the judgment of the Full Bench as mentioned above. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Secretary to Government,
Government of Tamil Nadu
Finance (PC) Department
Fort St. George, Chennai-600 009.

2. The Director of Education,
Directorate, DPI Building,
College Road, Chennai-600 006.

+1cc to the Government Pleader, S.R.No.44080
+1cc to Mr.R.KAMARAJ, Advocate, S.R.No.43066

W.P.No.41150 of 2016

KK(CO)
TR(25/07/2018)

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