

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.A.No.1425 of 2018
against W.P. 20478/2012.
and
C.M.P.No.11268 of 2018

1.The State of Tamil Nadu
rep.by its Secretary to Government
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,
Cuddalore, Cuddalore District

.... Appellants/Respondents 1 to 3

-vs-

1.P.Kamalam
2.K.Sundaramoorthy
3.V.Sriramulu
4.G.Santhabai
5.N.Sundaram
6.M.A.Victoria Sarojini
7.R.Amaravathy

8.The Chief Educational Officer,
Salem, Salem District.

9.The Chief Educational Officer,
Perambalur, Perambalur District.

10.The Secretary,
S.K.Velayutham Higher Secondary School
Kurinjpadi, Cuddalore District 607 302.

11.The Secretary
DGM Higher Secondary School,
Sethiyathoppu, Chidambaram Taluk
Cuddalore District-608 702.

12.The Headmaster
S.K.V. Higher Secondary School,
Kurinchipadi-607 302
Cuddalore District.

13.The Headmaster
DGM Higher Secondary School
Sethiyathoppu 607 302
Cuddalore District.

14.The Headmaster
Govt. Higher Secondary School
Poolambady
Perambalur District.

15.The Headmaster
Govt. Higher Secondary School
Veeraganur,
Gangavalli Taluk,
Salem District.

(Respondents 8 to 15 given up
as not necessary).

... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.20478 of 2012 dated 30.07.2012.

W.P.No. 20478/2012:This Writ Petition filed under Article 226 of the constitution of India for the issue of a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993 and G.O.Ms.No.270 Finance (PC) Department dated 26.8.2010 and G.O.Ms.No.258 School Education (M1) Department dated 6.9.2010 in the light of Orders of the Honourable Division Bench in W.P. No.8747 of 2009 dated 14.7.2009 as confirmed by the Honourable Apex Court in C.C. No.2746/2010 dated 23.4.2010 and to award Special Grade Elementary School Head Master Pay scale to the petitioners w.e.f 1.6.1988 onwards and other retiral benefits.

For appellants : Mr.C.Munusamy,
Spl.GP (Education)

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2.The issue raised in this writ appeal 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 appeal stands disposed of in terms of the judgment of the Full Bench as mentioned above. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

KM

To

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Government of Tamil Nadu,
School Education Department,
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- 2.The Director of School Education
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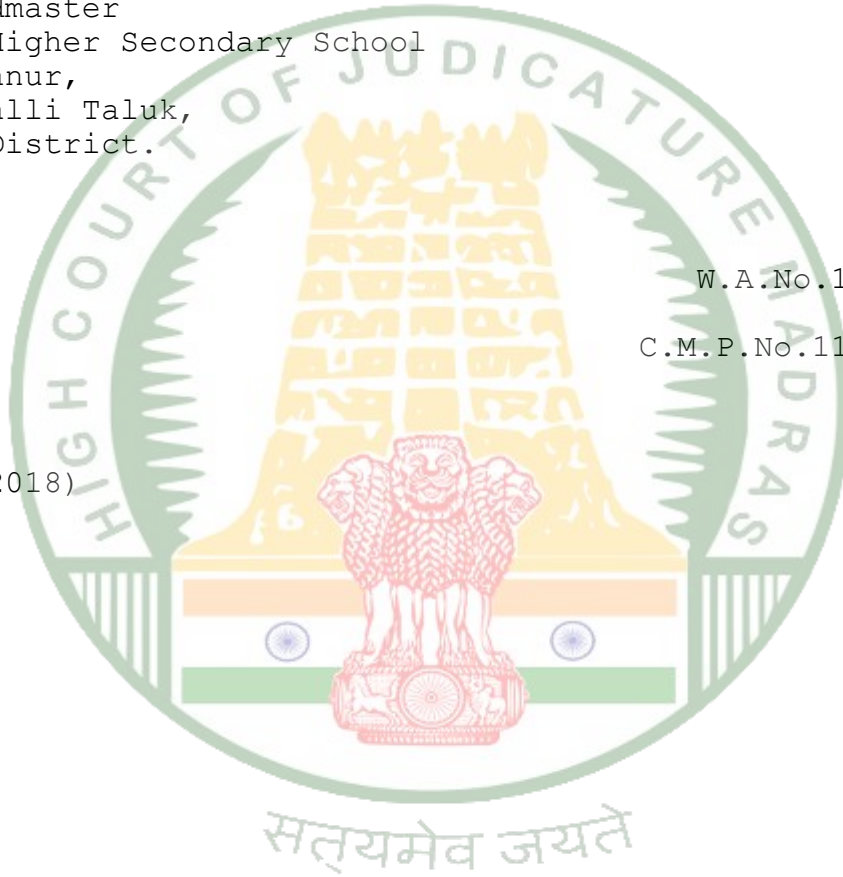
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and
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KJ(CO)
SP(31/07/2018)



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