



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD).No.764 of 2015

G.Venkateswaran

... Petitioner

-vs-

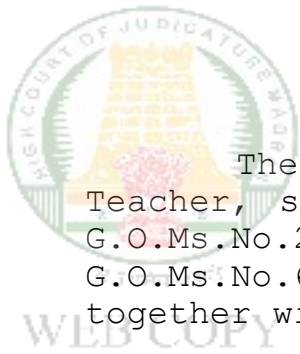
- 1.The Secretary to Government
Government of TamilNadu,
School Education Department
Fort St. George, Chennai-09.
- 2.The Secretary to Government
Government of Tamil Nadu,
Finance (Pay Cell) Department
Fort St. George, Chennai-09.
- 3.The Director of School Education,
Chennai.
- 4.The Chief Educational Officer,
Theni District.
- 5.The Headmaster,
Government Higher Secondary School
Devathanapatti,
Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Order of the 4th respondent in Na.Ka.No. 788/A4/2013 dated 15.12.2014 and quash the same and consequently direct the respondents herein to pay the revised pay scale, arrears of salary and revised pension to the petitioner with effect from 01.06.1988 as per G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 and G.O.Ms.No.69 School Education (M1) Department dated 18.04.2013 together with interest at 12% p.a. Thereon.

For Petitioner
For Respondents

: Mr.K.Appadurai
: Mrs.S.Srimathy
Special Govt. Pleader for RR-1 to 5

**ORDER**

The writ petitioner herein is a retired Secondary Grade Teacher, seeking parity of pay with effect from 01.06.1988 as per G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 and G.O.Ms.No.69 School Education (M1) Department dated 18.04.2013 together with interest at 12% p.a. thereon.

2.A Honourable Full Bench of this Court in Review Application No.227 of 2015 order dated 09.12.2016, reported in (2017)2 MLJ257 (FB) has framed guidelines for the respondent herein to consider the said request. The said guidelines are extracted hereunder:

"38(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;

.....
....."

3. In the light of the above guidelines, the order passed by the 4th respondent is hereby set aside. This writ petition is disposed of with a direction to the 4th respondent/Chief Educational Officer, Theni to consider the representation of the writ petitioner afresh in the light of the guidelines of this Court in the Full Bench judgment and pass appropriate orders in accordance with Law. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The Secretary to Government
Government of TamilNadu,
School Education Department
Fort St. George, Chennai-09.

2.The Secretary to Government
Government of Tamil Nadu,
Finance (Pay Cell) Department
Fort St. George, Chennai-09.

3.The Director of School Education,
Chennai.

4.The Chief Educational Officer,
Theni District.

5.The Headmaster,
Government Higher Secondary School
Devathanapatti,
Periyakulam Taluk,
Theni District.

+1cc to Mr.K.Appadurai, Advocate, Sr.No.95018.

+1cc to Special Government Pleader, Sr.No.94981.

ORDER MADE IN
W.P (MD) .No.764 of 2015
12.11.2018

vs

RAM-KK/SKN/SAR 1/14.12.2018/3P/8C