



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) Nos.1730 to 1740 of 2013

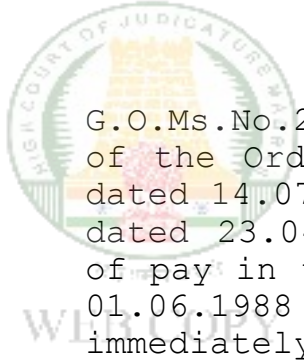
M.Pushpam	... Petitioner in W.P (MD) No.1730/2013
M.Mariappan	... Petitioner in W.P (MD) No.1731/2013
S.Francis Azariya	... Petitioner in W.P (MD) No.1732/2013
S.Soundarajan	... Petitioner in W.P (MD) No.1733/2013
J.Kasturi Bai	... Petitioner in W.P (MD) No.1734/2013
M.Arputham	... Petitioner in W.P (MD) No.1735/2013
K.Muthulakshmi	... Petitioner in W.P (MD) No.1736/2013
P.Jayaseeli Poul	... Petitioner in W.P (MD) No.1737/2013
J.Shanthi	... Petitioner in W.P (MD) No.1738/2013
P.Beulah Paulraj	... Petitioner in W.P (MD) No.1739/2013
R.Lakshmi	... Petitioner in W.P (MD) No.1740/2013

Vs

1. State of tamil Nadu,
rep. By the Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai-9.
2. The Director of School Education,
(High Secondary),
College Road, Nungambakkam,
Chennai-6.
3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
4. The District Educational Officer,
Tirunelveli,
Tirunelveli District.

... Respondents
in all the Writ Petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, 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 in the light of the Order of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Hon'ble Apex Court in CC 2746/2010 dated 23.04.2010 and according award selection/Special grade scale of pay in the post of elementary school headmaster with effect from 01.06.1988 and revision of pensioner benefits and pay arrears immediately to the petitioner.

For Petitioner : Mr.K.M.Boopathy in all WPs
For Respondents : Mr.R.Sethuraman, in all WPs
Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions are for a direction to direct 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 in the light of the Order of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Hon'ble Apex Court in CC 2746/2010 dated 23.04.2010.

2.A Batch of writ petitions were decided by this Court and the matter was subsequently referred to Full Bench and the Hon'ble Full Bench passed an order on 09.12.2016 in Rev.Application No.227 of 2015 etc., reported in 2017(1) CWC 561 in Government of Tamil Nadu v. G.Eswaran. Considering the issues involved in these cases, the Full Bench has passed the following order in paragraph 38 of the judgment is extracted hereunder:-

"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 Counsel 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.

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 M.Ps. Thereof, are ordered."

As per clause iv in paragraph 38 no writ petitions would be entertained on and from 09.12.2016 and the benefits as directed above shall be extended to the parties, who are before this Court alone. This being the factum, these present writ petitions are filed on 29.01.2013 and the benefit granted by the Full Bench is to be extended in respect of the present writ petitioners.

3. Accordingly, these writ petitions stand disposed of in terms of the judgment of the Hon'ble Full Bench delivered in the case of Government of Tamil Nadu vs. G.Eswaran reported in 2017(1) CWC 561. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai-9.
2. The Director of School of Education,
(High Secondary),
College Road, Nungambakkam,
Chennai-6



3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4. The District Educational Officer,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO Mr.K.M.BOOPATHY, ADVOCATE IN SR No. 50392
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51275

AM

TE/JC/SAR-4 : 07/03/2018 : 4P/7C

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22.02.2018