

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1607 of 2016

1. A.Chidambaram
2. V.Anumantharao
3. K.Madhayan
4. S.Thangarasu
5. C.Rajagopal
6. S.Kamala Devi
7. A.Pitchamuthu
8. K.Palaniammal
9. R.Rasappan
10. V.P.Paramasivam
11. P.Achimani
12. M.Kokila
13. S.Nagarathinam
14. V.Jayalakshmi
15. M.Poongothai
16. L.Vanaja (Deceased)
17. M.Saraswathi
18. C.Loganayagi
19. S.Duraisamy
20. V.Kanagambal
21. K.Leelavathi
22. K.Thangavelu
23. P.Dhanalakshmi
24. V.Thangammal
25. P.Sriramalu
26. A.Muthusamy
27. P.M.Vadivel
28. P.Lakshmi
29. V.Krishnamoorthy (H/o.L.Vanaja/P16)

... Petitioners

(P29 substituted as Lrs of P16 L.Vanaja Deceased as per the order of this Court dated 08.08.2019)

-vs-

- 1.The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-6.

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

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

5.The Chief Educational Officer,
Namakkal, Namakkal District.

6.The Chief Educational Officer,
Karur, Karur District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC) Department dated 22.3.1993 and G.O.Ms.No.270, School Education (M1) Department dated 26.08.2010 in the light of the orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Honourable Supreme Court of India in C.C.No. 2746/2010 dated 23.04.2010 and accordingly award Selection / Special Grade Scale of pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners.

For Petitioners :Mr.G.Punniya Kotti for Petitioners 1 to 9
11 19 to 22 & 25 to 28
Mr.A.Swaminathan for Petitioners 10, 12 to 18
23, 24 & 29

For Respondents: Mrs.P.Kavitha
Govt. Advocate (Education)

O R D E R

The Writ Petition has been filed, seeking for a direction to the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC) Department dated 22.3.1993 and G.O.Ms.No.270, School Education (M1) Department dated 26.08.2010 in the light of the orders of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009, confirmed by the Hon'ble Supreme Court of India in C.C.No. 2746 of 2010 dated 23.04.2010 and accordingly award Selection / Special Grade Scale of pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners.

2. When the matter is taken up for hearing, learned counsel for the petitioners has drawn the attention of this Court to the Full Bench judgment of this Court in the case of Government of Tamil Nadu, Rep. by the Secretary, School Education Department,

Fort St.George, Chennai-600 009 and others vs. G.Eswaran and others, reported in (2017) 2 MLJ 257 (FB), wherein it has been held as follows:

"38. Today, when the matters are taken up <http://www.judis.nic.in> 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 <http://www.judis.nic.in> 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."

3. Learned counsel for the petitioners has represented that following the above judgment, this Court, in a similar case in N.Banumathy and others vs. State of Tamil Nadu and others [W.P. (MD) No.11951 of 2015] decided on 06.02.2019, had granted relief to the petitioners therein. It is further represented that since the present case is also squarely covered by the decision of the Full Bench, the Writ Petition may be disposed of on the same line.

4. Learned Government Advocate (Education) appearing for the Respondents has submitted that if the request of the petitioners fall within the ambit of the judgment of the Full Bench, the same will be considered and necessary orders be passed.

5. In view of the above submissions made on either side, the Writ Petition is disposed of with a direction to the Respondents to consider the request of the Petitioners in the light of the judgment of the Full Bench of this Court (cited supra) and pass suitable orders on their claim within a period of two months from the date of receipt of a copy of this order, if they fall within the purview of the decision of the Full Bench and are otherwise eligible. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CJ Conf)

//True copy//

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Sub Assistant Registrar

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To:

- 1.The Principal Secretary to Government of Tamil Nadu,
School Education Department,
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2.The Director of School Education,
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5.The Chief Educational Officer,
Namakkal, Namakkal District.

6.The Chief Educational Officer,
Karur, Karur District.

+1cc to Mr.A.Swaminathan, Advocate SR.No.75172

+1cc to Mr.G.Punniya Kotti, Advocate SR.No.75217

+1cc to Government Pleader SR.No.76523

W.P.No.1607 of 2016

SSD(CO)
GMY(21/10/2019)



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