

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.40021 to 40024 of 2015
and
W.P.Nos.40146 to 40149 of 2015

W.P.No.40021 of 2015

1. P.Annathai
2. S.Yasodamma
3. R.Premala
4. N.Devaraj
5. P.Leelavathy
6. Koilpillai Paripooranam
7. A.Annamary Leoraj
8. Mary Chellakumari Peter
9. Gladys Kanthi Kamala Bai
10. S.Peter

... Petitioners

Vs

1. The State of Tamil Nadu,
rep. by the 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,
Saidapet,
Chennai.

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

5. The Inspector of Anglo Indian School,
Chennai - 6.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to extend the benefits of G.O.Ms.No.216 finance (PC) Department dated 22.03.1993 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.2746/2010 dated 23.04.2010 and accordingly award selection/ special grade scale of pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners.

For Petitioners : Mr.V.Thirupathi

For Respondents : Mr.C.Munusamy,
Special Government Pleader

COMMON ORDER

In all these writ petitions, the respective writ petitioners seek for extending the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993, in the light of the orders of the Division Bench of this Court made in W.P.No.8747/2009 dated 14.07.2009 confirmed by the Hon'ble Apex Court in C.C.No.2746/2010 dated 23.04.2010 and award Selection/Special

2. Learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents submitted that the issues involved in these cases are squarely covered by the decision rendered by the Full Bench of this Court made in Review Application No.227/2015 dated 09.12.2016 reported in **2017(2) MLJ 257(Government of Tamilnadu, Education Department, Chennai vs.G.Eswaran)**. It is submitted by both sides that the same order can be passed in these writ petitions also.

3. In the above said case, the Full Bench of this Court has observed at paragraph No.38 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.

4. Since it is admitted by both sides that the issues involved in these writ petitions are covered by the above said decision of the Full Bench, all these Writ Petitions are disposed of accordingly, in the light and line of the order passed by the Full Bench as stated supra. No costs.

15.04.2019

Speaking/Non Speaking
Index : Yes / No
Internet : Yes / No
vsi

To

1. The 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,
Saidapet,
Chennai.

K.RAVICHANDRABAABU, J.

vsi

4. The Chief Educational Officer,
Kancheepuram,
Kancheepuram District.
5. The Inspector of Anglo Indian School,
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