

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MS. JUSTICE P.T.ASHA

W.A. No.2166 of 2018
and C.M.P.Nos.16790 and 16791 of 2018

1. The State of Tamil Nadu
rep. by its Secretary,
Education Department,
Fort St. George,
Chennai - 600 009.

2. The District Elementary Educational Officer,
Trichy.

.... Appellants/Respondents 1 & 2

Vs.

1. C.Ayyakkannu

..R1/Petitioner

2. The Accountant General Officer,
The Accountant General Office,
Teynampet, Chennai - 600 018.

.... Respondent 2/R3

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 29.07.2015 made in W.P.No.27353 of 2013.

W.P.No.27353 of 2013:

Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Na.Ka.No.6902/A1/2010 dated 05/10/2012 and the order dated 01/02/2013 in A.Thi.Mu.No.1515/Aa1/2013 and quash the same thereby directing the 1st respondent to order seeking the benefits from G.O.Ms.No.210, School Education (G1) Department 14/08/2009 along with arrears and with interest 18% per annum.

For Appellants	:	Mr.C.Munusamy
For Respondents	:	M/s.A.R.Nixon
		Mr.A.Jayachandran - R1
		No appearance - R2

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

The intra-court appeal is in respect of the benefit granted by the Government in G.O.Ms.No.210 School Education (G1) Department dated 14.08.2009. The writ petition filed by the first respondent was allowed by the Writ Court. The State has come up with the intra-court appeal challenging the said order.

2. When the appeal is taken up for hearing, Mr.C. Munusamy, learned Special Government Pleader (Education), by producing a copy of the judgment dated 3rd January, 2019 in Writ Appeal Nos.34 of 2017 etc. batch submitted that the issue is no longer res integra in view of the judgment delivered by the Co-ordinate Bench cited supra.

3. The Division Bench, after extracting various Government Orders and the decisions rendered by Courts on the subject, finally issued string of directions in paragraph No.8 of the judgment. The operative portion of the said judgment is extracted hereunder:

'8. ...Following the above decision, all the writ appeals are dismissed. The appellants are directed to grant the benefits of G.O.Ms. No. 210 School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in Selection Grade / Special Grade in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster, from the date of their promotion to the post of Middle School Headmaster, if they were not given the same already, with all monetary benefits and the pensionary benefits with arrears till the date of his death. Though, Mr.C. Munusamy, learned Special Government Pleader (Education) sought four months time to complete the exercise of revising the pay in the Selection Grade / Special Grade to the respondents, and consequently revise the pension / family pension, considering the long period of litigation, which the retired employees / members of the family of the retired employees have to undergo, litigation expenses etc., we, deem it fit, to direct the appellants, to fix the pay in the Selection Grade / Special Grade, within a period of four weeks, from the date of receipt of a copy of this judgment and consequently the appellants are further directed to revise the pension / family pension, and disburse both arrears of salary and differential pension, within a period of eight weeks, thereafter. Consequently, connected civil miscellaneous

petitions are closed. No costs."

4. Since the issue has already been decided by the Division Bench, there is no need for a further adjudication in the present intra Court appeal. We therefore dispose of the intra Court appeal in terms of the judgment dated 3rd January, 2019 in Writ Appeal No. 34 of 2017 etc. batch.

5. We direct the State to revise the pension / family pension of the first respondent and disburse arrears of salary and differential pension depending upon the facts of the case and taking into account the directions given by the Division Bench in the judgment dated 3 January, 2019 in W.A. No. 34 of 2017 etc batch. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

sl

To

1. The Accountant General Officer,
The Accountant General Office,
Teynampet, Chennai - 600 018.
- 2.The Secretary to Government
Education Department
Fort. St. George
Chennai 9.
- 3.The District Elementary Educational officer
Trichy.

+1 CC to Mr.A.R. Nixon, Advocate sr 65891.

+1 CC to Govt. Pleader sr 65527.

W.A. No.2166 of 2018
and C.M.P.Nos.16790 and 16791 of 2018

RV(CO)
SP(13/09/2019)