

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.04.2019
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.2167 of 2018
And
C.M.P.Nos.16792 and 16793 of 2018

- 1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Elementary School Education,
College Road, Nungambakkam,
Chennai - 600 006.
- 3.The District Elementary Education Officer,
Kancheepuram, Kancheepuram District.
- 4.The Assistant Elementary Education Officer,
Valajabad,
Kancheepuram District. Appellants/Respondents

Vs.

E.P.Santhanam Respondent/Petitioner

Prayer:

Writ appeal filed under Clause 15 of Letters Patent against the order dated 03.08.2011 made in W.P.No.20408 of 2010.

Prayer in W.P.No.20408 of 2010:-Writ Petition filed under Article 226 of the Constitution of India, seeking writ of mandamus or any other writ, or order or direction in the nature of writ directing the respondents to extend the benefit of the G.O.MS.NO.210 School education Dept. dt.14.08.2009 in so far as the petitioner is concerned and accordingly to award selection grade scale of pay from 01.06.1988 to 30.09.2002 in the post of B.T.Grade Middle School Headmaster by counting his lower grade secondary grade Asst. Service Elementary School Head Master Services Tamil Pandit Service as has been granted to 60 similarly placed persons thorough G.O.MS.No.210 School Education Department dated 14.08.2009.

For Appellants : Mr.C.Munusamy
Special Government Pleader
For Respondent : Mr.G.Punniakotti

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 respondent was allowed by the learned Single Judge. 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, 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 a 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 Nos.34 of 2017 etc. batch.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
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Kancheepuram, Kancheepuram District.

4.The Assistant Elementary Education Officer,
Valajabad,
Kancheepuram District.

+1 cc to Mr.G.Punniyakotti, Advocate, Sr.No. 37469

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GJ (CO)
CSL/06.06.2019



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