

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.7620 to 7625 of 2015

L.Amirtham ... Petitioner in W.P.No.7620 of 2015
J.Santhanam ... Petitioner in W.P.No.7621 of 2015
A.Thangammal ... Petitioner in W.P.No.7622 of 2015
J.Jayaseeli ... Petitioner in W.P.No.7623 of 2015
S.Abizheganathan ... Petitioner in W.P.No.7624 of 2015
V.R.Premavathi ... Petitioner in W.P.No.7625 of 2015

Vs.

The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600009.

The Director of School Education,
(Higher Secondary)
College Road,
Chennai - 600006.

The Chief Educational Officer,
Office of the Chief Educational Office,
Vellore District,
Vellore.

The District Educational Officer,
Office of the District Educational Office,
Thirupathur,
Vellore District.

... Respondents 1 to 4 in all WPs

The Head Master,
Ambur Sugar Mills Hr. Sec. School,
Vadapudupet,
Vellore District. ... 5th Respondent in W.P.No.7620/2015

The Head Master,
Concordia Hr.Sec.School,
Pudhu, Vaniyambadi,
Vellore District. ... 5th Respondent in W.P.No.7621/2015
and 7624/2015

The Head Master,
Government High School,
Jangalapuram,
Natrampalli Taluk,
Vellore District ... 5th Respondent in W.P.No.7622/2015

The Head Master,
Government Higher Secondary School,
Vellakuttai,
Vellore District. ... 5th Respondent in W.P.No.7623/2015
and 7625/2015

Prayer in W.P.No.7620,7621,7623,7625 of 2015:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents especially the 2nd respondent to pass orders on the petitioner's concomitant representations, especially the recent one dated 19.02.2015, re-fixing the petitioner's last drawn scale of pay at Rs.1640-60-2600-75-2900 with effect from 01.06.1988, as against Rs.1400-50-2300-60-2600, and Rs.2000-60-2300-75-3200 as on 08.11.1991, and 22.03.1993 the date when his name ripe for Special Grade Pay together with all subsequent increments, and pay the pensional benefits, according to rate of stepping up of scale of pay, besides disbursing all arrears of salary together with arrears towards difference in the positional benefits with effect from 01.06.1988 as per G.O.Ms.No.216, Finance (P.C.) Department dated 22.03.1993, in the light of Judgment in W.P.No.8747 of 2009 (DB) dated 14.07.2009.

Prayer in W.P.No.7622 of 2015:

Writ Petition filed under Article 226 of the constitution of India, praying to issue a writ of mandamus, to direct the respondents especially the 2nd respondent to pass orders on the petitioners concomitant representations especially the recent one dt 4.3.2015 re fixing the petitioner's last drawn scale of pay at Rs. 1640-60-2600-75-2900 with effect from 1.6.1988 as

against Rs.1400-50-2300-60-2600 and Rs.2000-60-2300-75-3200 as on 22.3.1993 the date when his name ripe for Special Grade Pay pursuant to G.O.Ms.No.216 Finance (P.C) Department dt 22.3.1993 together with all subsequent increments and pay the pensional benefits according to rate of stepping up of scale of pay besides disbursing all arrears of salary together with arrears towards difference in the pensional benefits with effect from 01.06.1988 as per G.O.Ms.No.216, finance (PC) Department, dated 22.03.1993 in the light of judgment in W.P.No.8747 of 2009 (DB) dated 14.07.2009 and pass such further order.

For Petitioners : Ms.R.Kalaiyarasi
(in all WPs)
For Respondents : Mrs.V.Annalakshmi
Government Advocate
(in all WPs)

C O M M O N O R D E R

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.

2. Learned counsel for the petitioners and the learned Government Advocate 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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
The Government of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai - 600009.

2. The Director of School Education,
(Higher Secondary)
College Road,
Chennai - 600006.

3. The Chief Educational Officer,
Office of the Chief Educational Office,
Vellore District,
Vellore.

4. The District Educational Officer,
Office of the District Educational Office,
Thirupathur,
Vellore District.

+6 cc to M/s.C.S.Vijayakumar, Advocate, Sr.No. 40761 to 40763 &
40765 to 40767

+1 cc to The Government Pleader, Sr.No.41257

CSL/06.06.2019

W.P.Nos.7620 to 7625 of 2015

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