

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33463 of 2016

M.Narasimman

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
rep. by the Secretary,
School Education Department,
Fort. St. George,
Chennai-600 009.

2.The Director,
School Education Department,
DPI Complex,
College Road, Nungambakkam,
Chennai-600 006.

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

4.The District Elementary Educational Officer,
Villupuram District, Villupuram.

5.The Assistant Elementary Educational Officer,
Kandamangalam,
Villupuram District.

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 07.05.2015 and thereby award Selection/Special Grade scale of pay with effect from 01.06.1988 and revision of pension benefits and pay arrears within the time frame to be fixed by this Court.

For Petitioner :: Ms.V.Suguna

For Respondents :: Mr.P.Raja,
Government Advocate

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to consider and dispose of his representation dated 07.05.2015 and thereby award Selection/Special Grade scale of pay with effect from 01.06.1988 and revision of pension benefits and pay arrears within the time frame to be fixed by this Court.

2.Learned counsel appearing for the petitioner would submit that the petitioner joined as Junior Grade Teacher on 01.06.1966 and has been promoted from time to time and retired on 31.05.2000, after rendering unblemished service of 34 years. According to the learned counsel, the respondents have not paid the revised scale of pay and arrears as given to other similarly placed persons as that of the petitioner. Therefore, the petitioner has filed a writ petition in W.P. No.36396 of 2015 in which notice has been ordered by this Court on 16.11.2015. After receiving the notice, the respondents have come forward the pay the amount and requested the petitioner to withdraw the said writ petition. But after the dismissal order, the respondents refused to pay the said amount. Hence, the petitioner is before this Court seeking the above prayer.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents, placing on record a judgment of the Full Bench reported in 2017(2) MLJ 257 in the case of the Government of Tamil Nadu vs. G.Eswaran, submitted that the case of the petitioner is covered by para 38, which is given as under:

'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 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 22.03.1993 for the period between 01.06.1988 and 31.12.1995, on and from 01.03.2017 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 22.03.1993 payable on and from 01.03.2017;

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'.

4.In the light of the above, since the petitioner has filed this writ petition on 21st September 2016, which is much before the cut off date namely 09.12.2016, the writ petition stands allowed. The respondents are directed to extend the benefits as per the above said G.O. Within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

vga

To

1.The Government of Tamil Nadu,
rep. by the Secretary, सत्यमेव जयते
School Education Department,
Fort. St. George,
Chennai-600 009.

2.The Director,
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DPI Complex,
College Road, Nungambakkam,
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3.The Chief Educational Officer,
Villupuram District, Villupuram.

4.The District Elementary Educational Officer,
Villupuram District, Villupuram.

5.The Assistant Elementary Educational Officer,
Kandamangalam,
Villupuram District.

+1cc to Ms.V.Suguna, Advocate SR.No.3775

+1cc to Government Pleader SR.No.3997

W.P.No.33463 of 2016

GMV (06/02/2019)



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