

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MS. JUSTICE P.T.ASHA
W.A. No.480 of 2016

1. K.A.Nagamani
2. V.Muniappa
3. A.Santhappan
4. S.Maria susai
5. A.Ahamed Hussain
6. I.Kempanna
7. M.Duraisamy
8. R.Sathiyavathi
9. B.V.Pamavathy
- 10.G.Ramar
- 11.V.Subramaniyachari
- 12.S.B.Ramanathan
- 13.T.Kannaian
- 14.M.Gunasekaran
- 15.M.Kaliappan

..... Appellants

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
4. The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.
5. The Assistant Elementary Educational Officer,
Bargur, Krishnagiri District.
6. The Assistant Elementary Educational Officer,
Thally, Krishnagiri District.
7. The Assistant Elementary Educational Officer,
Kelamangalam, Krishnagiri District.

8. The Assistant Elementary Educational Officer,
Sholagiri, Krishnagiri District.
9. The Assistant Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
10. The Assistant Elementary Educational Officer,
Dharmapuri, Dharmapuri District.
11. The Assistant Elementary Educational Officer,
Pennagaram, Dharmapuri District.
12. The Assistant Elementary Educational Officer,
Nallampatti, Dharmapuri District.

..... Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 29.07.2015 made in W.P.No.4628 of 2015.

Prayer in W.P.No.4628 of 2015:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari/Mandamus directing the respondents to extend the benefit of G.O.Ms.No.210 Education (G1) Department dt 14.8.2009 and G.O.Ms.No.190 School Education Department dt. 12.7.2010 to the petitioners by counting his earlier service in Secondary Grade Category as well as primary school Headmaster/B.T.Assistant/ Tamil Pandit categories along with the present Middle School Headmaster post and award the pay scale of selection/Special grade scale of pay with effect from 1.6.1988 onwards and revision of pensionary benefits and pay arrears immediately to the petitioners.

For Appellants : Mr.A.R.Suresh
For Respondents : C.Munusamy, Spl.G.P.

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 appellants was disposed of by the Writ Court.

Feeling aggrieved, the writ petitioners have come up with the intra-court appeal challenging the same.

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 appellants 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.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sl

To

1. The Government of Tamil Nadu
rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
4. The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.
5. The Assistant Elementary Educational Officer,
Bargur, Krishnagiri District.
6. The Assistant Elementary Educational Officer,
Thally, Krishnagiri District.

7. The Assistant Elementary Educational Officer,
Kelamangalam, Krishnagiri District.
8. The Assistant Elementary Educational Officer,
Sholagiri, Krishnagiri District.
9. The Assistant Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
10. The Assistant Elementary Educational Officer,
Dharmapuri, Dharmapuri District.
11. The Assistant Elementary Educational Officer,
Pennagaram, Dharmapuri District.
12. The Assistant Elementary Educational Officer,
Nallampatti, Dharmapuri District.

+1cc to Mr.V.Thirupathi , Advocate SR.No. 66567
+1 cc to Government Pleader Sr.No. 66722

W.A. No.480 of 2016

A.SK(24/09/2019)



WEB COPY