

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 03.01.2019

Coram
The Hon'ble Mr.Justice M.M.Sundresh
and
The Hon'ble Mr.Justice Krishnan Ramasamy

Writ Appeal No.937 of 2016
and
C.M.P.No.12075 of 2016

1. The State of Tamil Nadu
rep. by its Secretary to Govt.
School Education Department,
Fort St. George, Chennai - 600 009.
 2. The Director of School Education,
(Higher Secondary) College Road,
Nungambakkam, Chennai - 600 006.
 3. The Chief Educational Officer,
Dindigul District, Dindigul.
-Appellants
- Vs.
- Nagalakshmi Natesan
ret. Sec. Grade Teacher,
Government Higher Secondary School,
Nadupatty, Trichy District.
- ...Respondent

Writ Appeal filed under Clause 15 of Letters Patent seeking
to set aside the order dated 23.04.2012 in W.P.No.15105 of 2011.

W.P.No.15105 of 2011

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus to calling for all the relevant records pertaining to the order passed by the 1st respondent herein vide his proceedings No.Letter No.39631/M1/2011 dated 15.04.2011 and quash the same as illegal arbitrary unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to Extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 and accordingly award Selection/Special Grade Scale of pay with effect from 01.06.1988 and revise Pensionary benefits and pay arrears to the petitioner.

For Appellants : Mr. P.Raja Government Advocate

For Respondents : No appearance

JUDGEMENT

(Order of the Court was delivered by M.M.Sundresh, J,)

The issue raised in this Writ Appeal is no longer res integra, as the same has already been dealt with by a Full Bench of this Court, in Review Application No.227 of 2015, etc (batch) dated 09.12.2016, and it would be apposite to refer to the operative portion of the order passed thereunder, which is extracted hereinbelow :-

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;

39. With the above directions, all the captioned matters, viz., Writ Appeals, Writ Petitions, Review Applications are disposed of and the Contempt Petitions are closed. There shall be no order as to costs. Consequently, all connected Miscellaneous Petitions are closed."

2. In the light of the above decision, the present Writ Appeal stands disposed of, on the same lines. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

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rep. by its Secretary to Govt.
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3. The Chief Educational Officer,
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+1cc to the Government Pleader, S.R.No.1005

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RR(CO)
GSP(26/02/2019)

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M.M.Sundresh, J.,
&
Krishnan Ramasamy, J.,
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