

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.21765 of 2019  
& WMP.Nos.20980 & 20981 of 2019

1.R.Kaliyaperumal  
2.M.Rathinavelu

.. Petitioners

Vs

1. The State of Tamil Nadu,  
rep. by its Secretary to Government,  
Finance(Pay Cell) Department,  
Secretariat,  
Chennai-9
2. The State of Tamal Nadu,  
rep. by its Secretary to Government,  
Education Department,  
Secretariat,  
Chennai-9
3. The Director of School Education,  
(Higher Secondary),  
DPI Compound, College Road,  
Chennai-6
4. The Chief Educational Officer,  
Thiruvavarur District,  
Thiruvavarur.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to extend the benefit of the Hon'ble Full Bench judgment in the Government of Tamil Nadu, rep by the Secretary Chennai & Others Vs. G.Eswaran & Others dated 09.12.2016 reported in 2017(1)CWC 561, as the juniors of the petitioners were granted their benefit of G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.03.1993 for getting Selection Grade/Special Grade between the period from 01.06.1988 to 31.12.1995 to avoid the juniors getting more pay and pension or pass any other appropriate Writ, order or direction as this Court may deem fit in the circumstances of the case.

For Petitioners : Mr.M.Rajamani

For Respondents : Mr.K.Karthikeyan, GA

#### ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to extend the benefit of the Hon'ble Full Bench judgment rendered in the case of Government of Tamil Nadu, rep by the Secretary Chennai & Others Vs. G.Eswaran & Others dated 09.12.2016 reported in 2017 (1)CWC 561, as the juniors of the petitioners were granted the benefit of G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.03.1993 getting Selection Grade/Special Grade between the period from 01.06.1988 to 31.12.1995 and to avoid the juniors getting more pay and pension than seniors.

2. The petitioners have approached this Court seeking certain benefits under G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.03.1993. These petitioners have retired from Government service long ago. The first petitioner being 72 years and the second petitioner being 75 years old. Though they seek certain benefits under the above said Government Order which was issued in 1993, it appears that the representation was made by the petitioners only recently and in 2019, the present writ petition has been filed. The issue raised in this writ petition is directly covered by the decision of the learned Full Bench of this Court in Rev.Appl.No. 227 of 2015 etc., dated 09.12.2016 reported in 2017(1) CWC 561 (Government of Tamilnadu rep. by the Secretary, School Education Department, Fort St. George, Chennai-09 and Others Vs. G.Eswaran and Others), wherein, the learned Full Bench while disposing of numerous petitions, has held that the benefits as sought for in this writ petition shall be extended to the parties who are before the Court (Full Bench) alone and no fresh writ petitions would be entertained on and from 09.12.2016. This direction given by the learned Full Bench is found place in Sub para (iv) of Para 38 of its judgment, to which, I was also a party. Once the learned Full Bench has categorically held that writ petitions claiming benefits under the above said Government Order, on and after 09.12.2016 would not be entertained, the present writ petition, which is filed in 2019, cannot be entertained by this Court. Even otherwise, the claim is extremely time barred and hit by severe laches. Therefore, in all counts, this writ petition is liable to be rejected.

3. For the above said reasons, this Court finds that this writ petition is not maintainable and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
The State of Tamil Nadu,  
Finance(Pay Cell) Department,  
Secretariat,  
Chennai-9
2. The Secretary to Government,  
The State of Tamil Nadu,  
Education Department,  
Secretariat,  
Chennai-9
3. The Director of School Education,  
(Higher Secondary),  
DPI Compound,  
College Road,  
Chennai-6
4. The Chief Educational Officer,  
Thiruvarur District,  
Thiruvarur.

+1cc to the Government Pleader, S.R.No.64712

W.P.No.21765 of 2019

NRJK (CO)  
CS/17/09/2019

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