

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No.630 of 2017

1. T. Kovendhan
2. A. Velu
3. A. Pitchandi

..Appellants

Vs.

1. The Government of Tamil Nadu
rep. by Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.
2. The Director of Elementary
Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational
Officer, Vellore District, Vellore.
4. The District Elementary Educational
Officer, Cuddalore District,
Cuddalore.
5. The Assistant Elementary Educational
Officer, Anaicut Panchayat Union,
Anaicut, Vellore District.
6. The Assistant Elementary Educational
Officer, Sholingar Panchayat Union,
Sholingar, Vellore District.
7. The Assistant Elementary Educational
Officer, Arcot Panchayat Union,
Arcot, Vellore District.
8. The Assistant Elementary Educational
Officer, Gudiyatham Panchayat Union,
Gudiyatham, Vellore District.

9. The Assistant Elementary Educational Officer, Nallur Panchayat Union, Nallur, Cuddalore District.

10. N. Jayaprakash Windsor

11. A. Thirugnanasambandam

(Respondents 4, 6 and 9 to 11 are not necessary parties in the writ appeal. Hence they are given up) .. Respondents

Prayer in W.A. No.1286 of 2019: Writ Appeal against the order dated 19.12.2014 passed in W.P. No. 33764 of 2014.

Prayer in WP No.33764 of 2014: Writ petition filed under Article 226 of Constitution of India, praying for the issuance of the writ of mandamus, directing the respondents to fix the pay of the petitioners in Selection Grade/ Special Grade in the post of Middle School Headmaster by computing their entire services rendered as Secondary Grade Assistant Teacher Elementary School Headmaster and Middle School Headmasters with effect from 1.6.1988 by extending the benefits of G.O.Ms.No.210 School Education (G1) Department dated 14.8.2009 in favour of the petitioners and pay the arrears with other consequential benefits

For Appellants :: Mr.A.S. Kaizeer

For Respondents :: Mr.C. Munusamy,
1 to 3,5,7 & 8 Special Government Pleader
(Education)

JUDGMENT

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

This 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.

2. This Court disposed of the connected writ appeals and writ petitions based on the judgment dated 3 January, 2019 of a Co-ordinate Bench of this Court in W.A. No. 34 of 2017 etc batch. The relevant portion of the judgment of this Court dated 26 March, 2019 in W.A. No. 73 of 2016 etc. batch is extracted hereunder:

"2. When the appeals and the writ petitions are taken up for hearing, Mr.C. Munusamy, learned Special

Government Pleader (Education), by producing a copy of the judgment dated 3 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 appeals and

writ petitions. We therefore dispose of the intra-court appeals and connected writ petitions on board in terms of the judgment dated 3 January, 2019 in Writ Appeal No. 34 of 2017 etc batch.

5. We direct the State to revise the pension / family pension of the concerned employees and disburse arrears of salary and differential pension depending upon the facts of each 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."

3. Following the above judgment, this writ appeal is also disposed of on the same lines and with a similar direction. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Government,
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6. The Assistant Elementary Educational
Officer, Gudiyatham Panchayat Union,
Gudiyatham, Vellore District.

+1cc to Government Pleader SR.No.41254

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NMI (CO)
GMY (24/06/2019)



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