

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.25118 of 2018, 1523, 1666, 1671,
1709, 1761, 1818, 1822 of 2019
and

WMP.Nos.29189 of 2018, 1691, 1695, 1845, 1866, 1867, 1868, 1871
to 1873, 1899 to 1901, 1960, 1962, 2005, 2014, 2016, 2017, 2021,
2023, 2024 of 2019

- 1.E.Ganesan
 2. P.Hajamohideen
 3. S.Chithiravelu
 4. R.Natarajan
 5. P.M.Subramaniyan
 6. S.Adaikalasamy
 7. A.Antonisamy
 8. M.Vadivel
 - 9.D.Kamalam (Family Pnsioner)
 10. D.Ramasamy
 11. K.Palanisamy
 12. G.Karunakaran
 13. V.Sanathanakrishnan
 14. S.Krishnamurthy
 15. L.Ramaiyan
 16. K.Vanaja
 17. K.Subbaiyan (Family Pnsioner)
 18. M.Rajangam
 19. Saraswathi (Family Pnsioner)
 20. J.Chandra
 - 21.C.Nagarajan
 - 22.G.Jagadeesa Chandrabose
 23. M.Kalitheerthan
 24. K.Sathurusankaravelan
 25. R.Subramanian
 26. V.Tamilarasan
 27. S.Murugesan
- ...Petitioners
in W.P.No.25118 of 2018
.. in WP No.1523/2019
.. in WP No.1666/2019
.. in WP No.1671/2019
.. in WP No.1709/2019
.. in WP No.1761/2019
.. in WP No.1818/2019
.. in WP No.1822/2019

Vs

1. The State of Tamil Nadu,
Rep by its Secretary to Govt.,
Finance (Pay Cell) Dept.,
Secretariat, Chennai - 9.

2. The State of Tamil Nadu,
Rep by its Secretary to Govt.,
Education Dept.,
Secretariat, Chennai - 9.
3. The Director of School Education,
(Higher Secondary),
DPI Compound, College Road,
Chennai - 9.
4. The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
5. The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.
6. The Chief Educational Officer,
Thanjavur District,
Thanjavur. ...Respondents
7. The State of TamilNadu
Rep. by the Principal Secretary to
Government School Education Department
Fort St. George Chennai 600 009
8. The Director of School Educa
tion (Higher Secondary) College Road
Nungambakkam Chennai 600 006
9. The Joint Director of School
Education Personnel Division Directorate
of School Education Chennai 6600 006
10. The Chief Educational Office r
Nagapattinam Nagapattinam District Pin
Code.611 001. ..RR1 to 4 in Wps 1523, 1666,1671,
1709, 1761, 1818 & 1822/19

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing 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) Dept., dated 22.03.1993 for the 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.

Common Prayer in WP No.1523/19, WP No.1666/2019, 1671/2019, 1709/2019, 1761, 1818 & 1822/2019 : Calling for all the relevant records pertaining to the order passed by the 1st Respondent in G.O.Ms.No.90 School Education Pa.Ka 3 (1) Department dated 09/05/2018 and quash that portion of the Paragraph 10 (ii) in the said G.O.dated 09/05/2018 in so far it denies the benefit of the G.O.Ms.No.216 Finance (PC) Department dated 22/03/93 issued by the 1st respondents to the petitioner as arbitrary unreasonable being violative of principles of natural justice and violative of Articles 14 21 and 300 A of the Constitution and consequently direct the respondents to grant the benefits of G.O Ms.No.216 Finance (PC) Dept. dated 22/3/93 to the petitioner as done by the respondents granting selection/special grade scale of pay w.e. Of 1/3/17 and revise pensionary benefits and pay the arrears to the petitioner.

For Petitioner : Mr.S.Ayyathurai
(in Wps.1523,1666,1671,1709,1761,1818 & 1822/2019)
:Mr.M.Rajamani (in WP 25118/18)

For Respondent : Mr.A.Rajaperumal (in all)
Addl.Govt.Pleader

COMMON ORDER

The writ petitions are admittedly filed during the year 2018 and 2019. The Full Bench of this Court in Revision Application No.227 of 2015, etc., in WA.No.352 of 2014 dated 09.12.2016 held as follows.

"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 (without arrears) 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 22.3.1993 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;"

2. Paragraph 38 (iv) of the judgement categorically enumerates that, benefits as directed 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. This being the judgement of the Full Bench of this Court, all these writ petitions cannot be entertained, and accordingly stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Finance (Pay Cell) Dept.,
Secretariat, Chennai - 9.
2. The Secretary,
State of Tamil Nadu,
Education Dept.,
Secretariat, Chennai - 9.
3. The Director of School Education,
(Higher Secondary),
DPI Compound, College Road,
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4. The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
5. The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.
6. The Chief Educational Officer,
Thanjavur District, Thanjavur.
7. The Principal Secretary to
Government School Education Department
Fort St. George Chennai 600 009
8. The Joint Director of School
Education Personnel Division Directorate
of School Education Chennai 6600 006

+1cc to Mr.M.Rajamani, Advocate SR.No.27531

+7cc to Mr.Mr.S.Ayyathurai , Advocate SR.No.26389

+1cc to Government Pleader SR.No.28619,26820,26822

W.P.Nos.25118 of 2018, 1523, 1666, 1671, 1709, 1761, 1818, 1822
of 2019

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to 1873, 1899 to 1901, 1960, 1962, 2005, 2014, 2016, 2017, 2021,
2023, 2024 of 2019

RV (CO)

GMV (07/05/2019)