

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29-04-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.33336 of 2018

And

W.M.P.Nos.38680, 38682 and 38683 of 2018

S.Tamilselvi

.. Petitioner

Vs

- 1.The State of Tamil Nadu
Represented by the Principal Secretary to Government
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 Joint Director of School Education,
Personnel Division,
Directorate of School Education,
Chennai-600 006.
- 4.The Chief Educational Officer,
Nagapattinam,
Nagapattinam District,
Pin Code : 611 001.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for all the relevant records pertaining to the order passed by the first respondent in G.O.Ms.No.90, School Education (Pa.Ka.) Department, dated 9.5.2018 and quash that portion of the Paragraph 10(ii) in the said G.O dated 9.5.2018 in so far it denies the benefit of the G.O.Ms.No.216 Finance (Paycell Department) dated 22.3.1993 to the petitioner and the consequential order of the third respondent bearing O.Mu.No.52175/C5/E4/2018 dated 3.8.2018 as arbitrary,

unreasonable, being violative of rules and principles of natural justice and violative of Articles 14, 21 and 300A of the Constitution and consequently direct the respondents to grant the benefits of G.O.Ms.No.216 Finance (Paycell Department) dated 22.3.1993 to the petitioner as done by the respondents Selection/Special Grade scale of pay with effect from 1.3.2017 and revise pensionary benefits and pay the arrears to the petitioner.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mrs.V.Annalakshmi,
Government Advocate.

O R D E R

The Hon'ble Full Bench of this Court held that the writ petitions filed seeking extension of benefit of G.O.Ms.No.216 Finance (Paycell Department) dated 22.3.1993, cannot be entertained after 9.12.2016.

2. Thus, no writ petition can be entertained if the same is filed after 9.12.2016. In view of the fact that the present writ petition is filed on 24th October 2018, the writ petition itself cannot be entertained in view of the cut off date fixed by the Hon'ble Full Bench of this Court and considered all the issues involved in relation to the said Government Order in G.O.Ms.No.216 Finance (Paycell Department) dated 22.03.1993, and delivered a Judgment on 9th December, 2016. For better appreciation, the relevant paragraph is extracted below:

"38....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 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;"

3. In the aforesaid paragraph, the Hon'ble Full Bench made it clear that no fresh Writ Petitions would be entertained on and from 9th December, 2016. Admittedly, the Writ Petition on hand was filed after 9th December, 2016. Thus, the present Writ Petition cannot be entertained in view of the time limit prescribed by the Hon'ble Full Bench of this Court.

4. Accordingly, the present Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Principal Secretary to Government
State of Tamil Nadu
School Education Department
Fort St. George,
Chennai-600 009.

2.The Director of School Education,
(Higher Secondary),
College Road,
Nungambakkam,
Chennai-600 006.

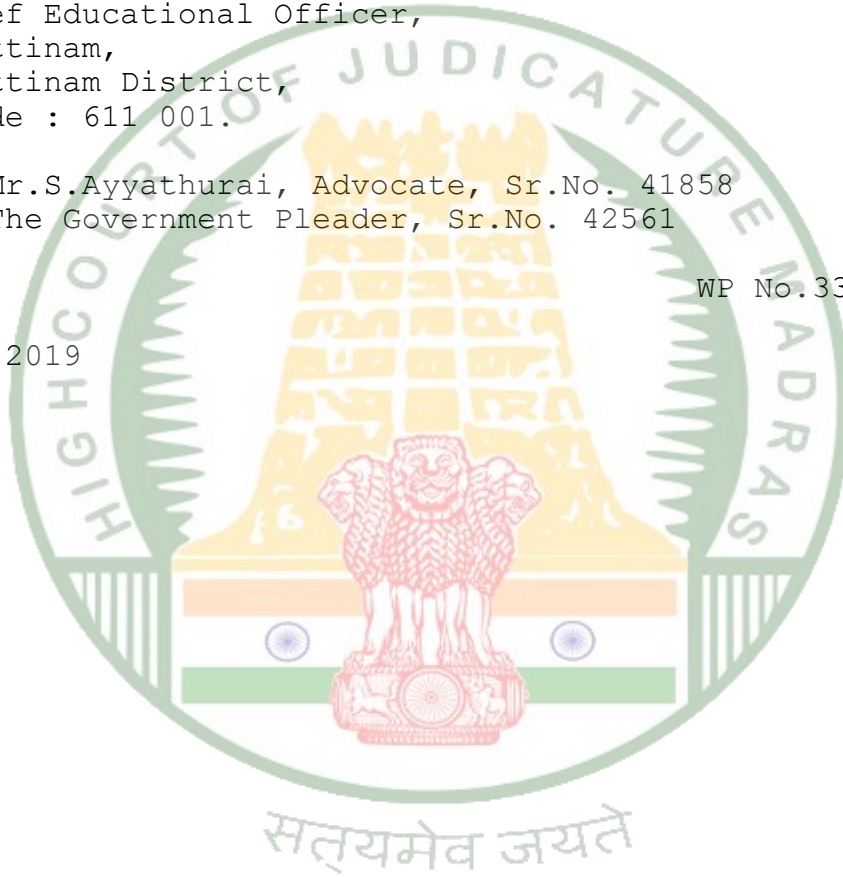
3.The Joint Director of School Education,
Personnel Division,
Directorate of School Education,
Chennai-600 006.

4.The Chief Educational Officer,
Nagapattinam,
Nagapattinam District,
Pin Code : 611 001.

+1 cc to Mr.S.Ayyathurai, Advocate, Sr.No. 41858
+1 cc to The Government Pleader, Sr.No. 42561

WP No.33336 of 2018

GJ-II(CO)
CSL/27.05.2019



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