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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLC.[MD]Nos.56 to 60 of 2019

in

W.A.[MD]Nos.374, 377, 380, 381 & 382 of 2015

and

C.M.P.[MD]Nos.1609 to 1617 of 2019

- 1.The Principal Secretary to Government,
School Education (G2) Department,
Chennai.
 - 2.The Director of Elementary Education,
College Road, Chennai.
 - 3.The District Elementary Educational Officer,
Collectorate, Karur District, Karur.
 - 4.The Additional / Assistant Elementary Educational Officer,
Krishnarayapuram,
Karur District.
- : Petitioners

Vs.

G.Siromani	: Respondent in REV.APLC.[MD]No.56/2019
K.Karuppanan	: Respondent in REV.APLC.[MD]No.57/2019
K.Chandrakantha	: Respondent in REV.APLC.[MD]No.58/2019
R.Venkatachalam	: Respondent in REV.APLC.[MD]No.59/2019
A.Dravida Rani	: Respondent in REV.APLC.[MD]No.60/2019

COMMON PRAYER: Review Applications filed under Order 47 Rule 1 and 2 r/w. Section 114 of the Civil Procedure Code, praying to review the orders passed in W.A.[MD]Nos.374, 377, 380, 381 and 382 of 2015 dated 11.08.2017.

Prayer in WA(MD). 374/ 2015 :

Writ Appeal is filled under Clause 15 of the Letter Patent as against the order passed in WP(MD)No.13554 of 2013 dated 19/08/2013.

Prayer in WA(MD). 377/ 2015 :

Writ Appeal is filled under Clause 15 of the Letter Patent as against the order passed in WP(MD)No.13548 of 2013 dated 19/08/2013.



Prayer in WA(MD). 380/ 2015 :

Writ Appeal is filled under Clause 15 of the Letter Patent as against the order passed in WP(MD)No.13553 of 2013 dated 19/08/2013.

Prayer in WA(MD). 381/ 2015 :

Writ Appeal is filed under Clause 15 of the Letter Patent as against the order passed in WP(MD)No.13559 of 2013 dated 19/08/2013.

Prayer in WA(MD). 382/ 2015 :

Writ Appeal is filled under Clause 15 of the Letter Patent as against the order passed in WP(MD)No.13561 of 2013 dated 19/08/2013.

Prayer in WP(MD). 13554/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issuea Writ of Mandamus, directing the respondents to extend the benefits of G.O. Ms.No.234 Education (G2) Department dated 10.09.2009 and to count the services rendered by the petitioner prior to 01.06.1988 as Secondary Grade Teacher for the purpose of fixation and grant of Selection and Special Grade Scale of Pay in the post of Primary School Headmaster with all consequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears applicable to the petitioner.

Prayer in WP(MD). 13548/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issuea Writ of Mandamus, directing the respondents to extend the benefits of G.O. Ms.No.234 Education (G2) Department dated 10.09.2009 and to count the services rendered by the petitioner prior to 01.06.1988 as Secondary Grade Teacher for the purpose of fixation and grant of Selection and Special Grade Scale of Pay in the post of Primary School Headmaster with all consequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears applicable to the petitioner.

Prayer in WP(MD). 13553/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to extend the benefits of G.O. Ms.No.234 Education (G2) Department dated 10.09.2009 and to count the services rendered by the petitioner prior to 01.06.1988 as Secondary Grade Teacher for the purpose of fixation and grant of Selection and Special Grade Scale of Pay in the post of Primary



School Headmaster with all consequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears applicable to the petitioner.

Prayer in WP(MD). 13559/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issuea Writ of Mandamus, directing the respondents to extend the benefits of G.O. Ms.No.234 Education (G2) Department dated 10.09.2009 and to count the services rendered by the petitioner prior to 01.06.1988 as Secondary Grade Teacher for the purpose of fixation and grant of Selection and Special Grade Scale of Pay in the post of Primary School Headmaster with all consequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears applicable to the petitioner.

Prayer in WP(MD). 13561/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issuea Writ of Mandamus, directing the respondents to extend the benefits of G.O. Ms.No.234 Education (G2) Department dated 10.09.2009 and to count the services rendered by the petitioner prior to 01.06.1988 as Secondary Grade Teacher for the purpose of fixation and grant of Selection and Special Grade Scale of Pay in the post of Primary School Headmaster with all consequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears applicable to the petitioner.

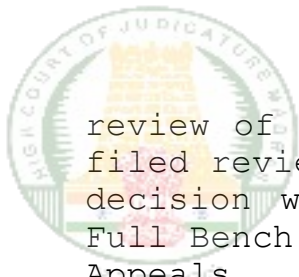
For Petitioners : Mrs.S.Srimathy
Special Government Pleader
For Respondent : Mr.B.Saravanan
[In all Review Applications]

COMMON ORDER

[Common Order of the Court was made by G.R.SWAMINATHAN, J.]

The respondents in these Review Petitions filed W.P.[MD] Nos.13546 to 13563 of 2013, seeking extension of the benefit conferred under G.O.[Ms.]No.234, School Education Department dated 10.09.2009. The said writ petitions were allowed on 19.08.2013. Questioning the same, the Government filed W.A.[MD]Nos.361, 363, 374 to 382 of 2015 and W.A.[MD]Nos.12 to 17 of 2016.

2.The Writ Appeals were dismissed by us on 11.08.2017 on the ground that the Full Bench of this Court in the decision reported in 2017 (2) MLJ 257 (FB) - *the Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort. St. George, Chennai - 9 and others Vs. G.Eswaran and others*, had already ruled against the Government and in favour of the retired employees. Contending that the said direction has not been complied with, the writ petitioners filed CONT.P[MD]Nos.2007 to 2009 of 2018. Seeking



review of the order dismissing the Writ Appeals, the Government has filed review petitions on the ground that even though the Full Bench decision went against the Government, the direction issued by the Full Bench ought to have been incorporated while dismissing the Writ Appeals.

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3. The learned Special Government Pleader is right in her submission that even while ruling in favour of the retired employees, the Full Bench issued a direction for implementing the monetary benefits only with effect from 01.03.2017 onwards. Since this aspect of the matter was not taken note of, the order dated 11.08.2017 in the aforesaid Writ Appeals stands set aside. Accordingly, the Writ Appeals are disposed of, with the following directions:

1) The Government is directed to extend the benefit conferred under G.O.[Ms.]No.234, School Education Department dated 10.09.2009, in respect of the respondents / writ petitioners herein on and from 01.03.2017 onwards. Consequently, the Government shall compute and revise their pension based on the revised scales of pay in terms of the aforesaid G.O. and this shall be payable on and from 01.03.2017.

2) It is made clear that the beneficiaries under the order are not entitled to the arrears of revised pay scales.

3) The Government is directed to expedite the process of computing and fixing the revised pension and disburse the benefits as expeditiously as possible without further delay.

4. In the result, the Review Applications are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

TO

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION (G2) DEPARTMENT,
CHENNAI

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI

3 THE DISTRICT ELEMENTARY EDUCATION OFFICER,
COLLECTORATE, KARUR DISTRICT

4 THE ADDITIONAL/ASSISTANT ELEMENTARY EDUCATION OFFICER,
KRISHNARAYAPURAM, KARUR DISTRICT.



Copy to:

1. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SECTION OFFICER,
CONTEMPT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE SPECIAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER DATED:31.01.2019

ORDER
REV.APLC.[MD]Nos.56 to 60 of
2019
in
W.A.[MD]Nos.374, 377, 380, 381 &
382 of 2015
Giving direction and etc., as
stated within.

KK/SAR/18.06.2019/5P-8C