



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14636 of 2019

and

W.M.P. (MD) No.11082 of 2019

C.Durai Pandian

... Petitioner

vs.

1.The Government of Tamil Nadu
rep.by its Secretary
School of Education Department
Fort St.George, Chennai-600 009

2.The Director of Elementary Education
College Road, Chennai-6

3.The District Elementary Educational Officer
Dindigul, Dindigul District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to fix the scale of pay of the petitioner in accordance with G.O.No.216, Finance (Pay Cell) Department, dated 22.03.1993, by fixing the scale of pay of the petitioner for the selection grade at Rs.1640-2900 from 01.06.1988 and special grade at Rs.2000-3200 from 17.09.1989 as per G.O.(Ms) No.90, dated 09.05.2018 and to pay the arrears in pursuant to the same within a time frame that may be fixed by this Hon'ble Court by considering the representation of the petitioner dated 16.07.2018.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.S.Srimathy

Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to fix the scale of pay of the writ petitioner in accordance with G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, by fixing his scale of pay for the selection grade at Rs.1640-2900, from 01.06.1988 and special grade at Rs.2000-3200 from 17.09.1989, as per G.O.(Ms) No.90, School Education Department, dated 09.05.2018 and pay the arrears, within a stipulated time.

2. A Full Bench of this Court in Rev.Appl.No.227 of 2015 etc., batch, by Judgment dated 09.12.2016, considered all the issues in connection to the said Government Order in G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993. For better appreciation, the relevant paragraphs of the Full Bench Judgment are



extracted hereunder:

"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 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 paragraphs, the Full Bench of this Court has made it clear that no fresh writ petitions would be entertained on and from 9th December, 2016. Admittedly, the present writ petition on hand is filed on 28.06.2019. Therefore, the same cannot be entertained at all.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //



To:

- 1.The Secretary,
School of Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-6.
- 3.The District Elementary Educational Officer,
Dindigul, Dindigul District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-72579[F] dated
01/07/2019)

+1 CC to M/s.SPL GP (SR-72760[F] dated 02/07/2019)

W.P. (MD) No.14636 of 2019

and

W.M.P. (MD) No.11082 of 2019

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KK/SAR/10.07.2019/3P-6C