



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

CORAM :

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

REV.APLW. (MD) No.27 of 2019

IN

W.P.No.160 of 2015

Mr.K.Narayanan,
S/o. N.Kandasamy Reddiyar,
Door No.3/38, Veeraperumal Puram,
Thirumangalam Taluk,
Madurai District - 625 706.

... Applicant

Vs

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Madurai District.

...Respondents

PRAYER: Review Application filed under Order 47 Rule 2 of Civil Procedure Code read with 226 of the Constitution of India praying to review the impugned common Order dated 10.12.2015 passed in W.P.No.160 of 2015.

Prayer in WP(MD). 160 of 2015 :

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 benefit granted in G.O. Ms. No. 216 Finance (PC) Department dated 22.03.1993 and by the subsequent G.O. Ms. No. 258 School Education (M1) Department dated 06.09.2010 as already decided in W.P. (MD) Nos. 9338 & 9340 of 2012 dated 25.07.2013, in the case of petitioner



also who is also similarly placed person within a specified time frame that may be fixed by this Honourable Court.

For Applicant : Mr.K.Ravi Anantha Padmanaban.

For Respondents : Mrs.S.Srimathy.

O R D E R

(Order of the Court was delivered by **N.KIRUBAKARAN, J**)
[THROUGH VIDEO CONFERENCING]

This Review Application has been filed by one of the teachers, who was the original Writ petitioner to review the dismissal order passed by this Court in W.P.No.160 of 2015 dated 10.12.2015.

2.The applicant, who was working as a Secondary Grade Teacher seeks for extension of pensionary benefits under G.O. (Ms) No.216 dated 22.03.1993.

3.Mr.Ravi Anantha Padmanaban, learned Counsel for the writ petitioner would submit that though the petitioner retired long back, he is entitled for the benefit under the said Government Order. At the time of the dismissal of the Writ petition dated 10.12.2015, there was no full bench Judgment which has subsequently granted benefit under G.O. (Ms) No.216 dated 22.03.1993. The relevant portion of the full bench Judgment dated 09.12.2016 is usefully extracted 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 22.03.1993 for the period between 01.06.1988 and 31.12.1995, on and from Grade Teachers of High / Higher Secondary Schools including the Special Tahsildars 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 22.03.1993 payable on and from 01.03.2017;

(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 soon 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."

4. In view of the Judgment of the Full Bench of this Court, this Review Application is ordered. The Government is directed to extend the benefit in terms of the Full Bench Judgment to the review applicant.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

2. The Director of School Education,
College Road,
Chennai - 600 006.



3.The Chief Educational Officer,
Madurai District.

+1 CC to M/s.SPL.GP (SR-7819[F] dated 24/02/2020)

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REV.APLW. (MD) No.27 of 2019
IN
W.P.No.160 of 2015
[THROUGH VIDEO CONFERENCING]
Dated:21.02.2020

MS (CO)
TR(09.03.2020) 4P 5C