



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1456 of 2014

and

M.P. [MD] No.1 of 2014

D.Mary Saroja

... Petitioners

-Vs-

- 1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Madurai District,
Madurai - 625 002.
- 4.The District Educational Officer,
Madurai - 625 002.
- 5.The Headmaster,
Government Boys Higher Secondary School,
T.Vadipatti - 625 218,
Madurai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent made in G.O.Ms.No.69 School Education (M.1) Department dated 18.04.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.258 School Education (M.1) Department dated 06.09.2010 which was implemented in pursuance of the order dated 14.07.2009 of the Hon'ble Division Bench in W.P.No.8747 of 2009 within a stipulated period.

For Petitioners

: Mr.B.Alagarsamy

<https://hcservices.ecourts.gov.in/Reserve>

For Respondents 1 to 5

: Mrs.S.Srimathy,

Special Government Pleader.

**ORDER**

The relief sought for in the present Writ Petition is to quash G.O.Ms.No.69 School Education (M.1) Department dated 18.04.2013 and to direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.258 School Education (M.1) Department dated 06.09.2010 which was implemented in pursuance of the order of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009.

2.The issue is in relation to benefits granted in G.O.Ms.No.216, Finance Department (Pay Cell), dated 22.03.1993. The Hon'ble Full Bench of the Madras High Court passed an order in Rev.Apl.No.227 of 2015, dated 09.12.2016. The relevant paragraph of the said judgment reads 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 Counsel 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 M.Ps., thereof, are ordered."

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3. The Full Bench of the Madras High Court held that in respect of the Writ Petitions filed before 09.12.2016, the benefit is to be extended. The present Writ Petition was filed by the writ petitioners on 27.01.2014. Thus, the writ petitioner is entitled for the benefit extended by the Hon'ble Full Bench of the Madras High Court in the case as cited supra. Therefore, the respondents are directed to consider the case of the writ petitioner with reference to the judgment of the Hon'ble Full Bench of the Madras High Court for the purpose of granting the benefit extended in G.O.Ms.No.216, Finance Department (Pay Cell), dated 22.03.1993.

4. With this direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

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,
College Road, Chennai-600 006.

3. The Chief Educational Officer,
Madurai District, Madurai - 625 002.

4. The District Educational Officer, Madurai - 625 002.

+7 CC to M/s.B.ALAGARSAMY, Advocate (SR-72658[F] dated 02/07/2019)

W.P (MD) No. 1456 of 2014
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ES/17.07.2019/3P/12C