



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16607 of 2014

and

M.P. (MD) .No.1 of 2014

Tmt.A.Suseela Bai

... Petitioner

-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.

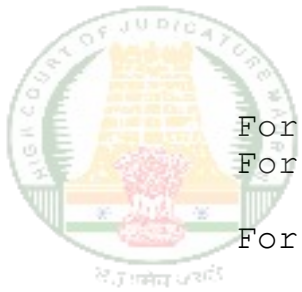
3.The Chief Educational Officer,
Madurai 625 002.

4.The District Educational Officer,
Madurai 625 002.

5.The Secretary,
M.M.Higher Secondary School,
Thirupparankundram,
Thirunagar,
Madurai-625 006.

...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 1st 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's husband Late Thiru.P.Pushparaj, 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.(MD).No.8747 of 2009 within a



For Petitioners : Mr.B.Alagarsamy
For R1 to R4 : Mrs.S.Srimathy,
Special Government Pleader
For R5 : No appearance

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ORDER

The learned counsel for the writ petitioner states that the petitioner is entitled to get the benefit granted by the Government in G.O.Ms.No.216 Finance Department (Pay Cell), dated 22.03.1993. In respect of the extension of the benefit of G.O.Ms.No.216 to all other eligible persons, the Hon'ble Full Bench of the Madras High Court considered the issue and delivered the judgment 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."

2. 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 petitioner on 08.10.2014. Thus, the writ petitioner is entitled to get 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 as expeditiously as possible.

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

Sd/-

Assistant Registrar (AD-II)

/ True Copy /

Sub Assistant Registrar (CS-)

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To

1. The Principal Secretary,
The 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 625 002.

4. The District Educational Officer, Madurai 625 002.

+1 CC to M/s.B.ALAGARSAMY, Advocate (SR-72405[F] dated 01/07/2019)
+1 CC to M/s.SPL GP (SR-72750[F] dated 02/07/2019)

W.P. (MD) No.16607 of 2014 and

M.P. (MD) .No.1 of 2014

01.07.2019