

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.10345 of 2014**

WEB COPY

A.Syed Samarneesha Beevi

... Petitioner

vs.

1. The Director of School Education
College Road, Nungampakkam
Chennai-9

2. The Chief Educational Officer
Ramanathapuram District

3. The Head Master
K.J.East Muslim School
Paramakudi-623 707
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondent herein to consider the petitioners representation dated 07.05.2014 within a stipulated period.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mrs.S.Srimathy

Special Government Pleader for R1 & R2

Mr.K.Vadivelu for R3

ORDER

The relief sought for in the present writ petition is for a direction to the respondents to extend the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993.

2. The issue involved in the present writ petition is with regard to the grant of the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993. The Full Bench of this Court in Rev.Appl.No.227 of 2015 etc., batch, by Judgment dated 09.12.2016, has considered all the issues involved in relation 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 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. The Full Bench of this Court has held that in respect of the writ petitions filed before 09.12.2016, the benefits of the aforesaid Government Order are to be extended. The present writ petition was filed by the writ petitioner on 25.06.2014. Thus, the writ petitioner is entitled for the benefits extended by the Full Bench of this Court in the case cited supra. Therefore, the respondents are directed to consider the case of the writ petitioner with reference to the Judgment of the Full Bench of this Court for the purpose of granting the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993.

4. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Director of School Education,
College Road, Nungampakkam,
Chennai-9.

2. The Chief Educational Officer,
Ramanathapuram District.

+1 CC to Mr.A.S.MUJIBUR RAHMAN, Advocate (SR-76540[F] dated
22/07/2019)

+1 CC to SPL GP (SR-76563[F] dated 22/07/2019)

+1 CC to Mr.K.RAJESHWARAN, Advocate (SR-76768[F] dated 22/07/2019)

W.P. (MD) No.10345 of 2014
19.07.2019

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