

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) .No.11552 of 2014**

K.Mani

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai-9.
- 2.The Director of Elementary Education,
D.P.I. Campus, College Road,
Chennai-06.
- 3.The District Elementary Educational Officer,
Madurai District, Madurai.
- 4.The Accountant General.
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai-600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein be suitably directed to fix the petitioner's pay scale in Selection Grade/Special Grade in the post of Middle School Headmaster by computing the petitioner entire services rendered as Secondary Grade Assistant Teacher, Elementary School Headmaster and Middle School Headmaster, by extending the benefits of G.O.Ms. No.234 School Education (G2) Department, dated 10.09.2009 and G.O.Ms. No. 179, School Education (D1 (2)) Department, dated 06.09.2013 in favour of the petitioner herein along with all arrears and other consequential benefits.

For Petitioner

: Mr.AL.Kannan

For Respondents

: Mr.D.Muruganantham,
Additional Government Pleader
(for R-1 to 3)
Mr.P.Gunasekaran (for R-4)

ORDER

The relief sought for in the present writ petition is for a direction to the respondents to extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 and G.O.Ms. No. 179, School Education (D1 (2)) Department, dated 06.09.2013, to the writ petitioner.

2. The issues in relation to the extension of benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to the similarly placed persons, were considered by the Honourable Division Bench of this Court in Rev.Aplc.(MD) Nos.56 to 60 of 2019 and an order was passed on 31.01.2019. The relevant paragraphs of the said order are extracted hereunder:

"2.The Writ Appeals were dismissed by us on 11.08.2017 on the ground that the Full Bench of this Court in the decision reported in **2017 (2) MLJ 257 (FB) - the Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort. St. George, Chennai - 9 and others Vs. G.Eswaran and others**, had already ruled against the Government and in favour of the retired employees. Contending that the said direction has not been complied with, the writ petitioners filed CONT.P [MD]Nos.2007 to 2009 of 2018. Seeking review of the order dismissing the Writ Appeals, the Government has filed review petitions on the ground that even though the Full Bench decision went against the Government, the direction issued by the Full Bench ought to have been incorporated while dismissing the Writ Appeals.

3.The learned Special Government Pleader is right in her submission that even while ruling in favour of the retired employees, the Full Bench issued a direction for implementing the monetary benefits only with effect from 01.03.2017 onwards. Since this aspect of the matter was not taken note of, the order dated 11.08.2017 in the aforesaid Writ Appeals stands set aside. Accordingly, the Writ Appeals are disposed of, with the following directions:

1) The Government is directed to extend the benefit conferred under G.O.[Ms.]No.234, School Education Department dated 10.09.2009, in respect of the respondents / writ petitioners herein on and from 01.03.2017 onwards. Consequently, the Government shall compute and revise their pension based on the revised scales of pay in terms of the aforesaid G.O. and this shall be payable on and from 01.03.2017.

2) It is made clear that the beneficiaries under the order are not entitled



to the arrears of revised pay scales.

3) The Government is directed to expedite the process of computing and fixing the revised pension and disburse the benefits as expeditiously as possible without further delay.

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4. In the result, the Review Applications are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

3. This being the factum, the respondents are directed to extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to the writ petitioner, with reference to the orders of the Honourable Division Bench (cited supra), as expeditiously as possible. However, it is made clear that the respondents shall verify the service records and ascertain the eligibility of the writ petitioner and accordingly, extend the the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to him. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai-9.

2. The Director of Elementary Education,
D.P.I. Campus, College Road,
Chennai-06.

3. The District Elementary Educational Officer,
Madurai District, Madurai.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-77896[F] dated 26/07/2019)

+1 CC to M/s.SPL GP (SR-77931[F] dated 26/07/2019)

W.P. (MD).No.11552 of 2014
25.07.2019

KK/SAR/07.08.2019/3P-6C/