



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15795 of 2014

and

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

S.Sheik Mohammed

... Petitioner

-Vs-

1.The State of Tamil Nadu,  
represented 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,  
Sivagangai-630 601,  
Sivagangai District.

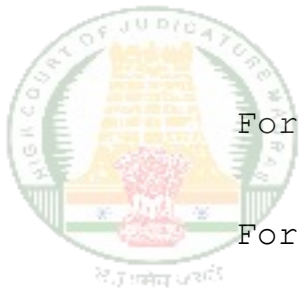
4.The District Educational Officer,  
Sivagangai - 630 601,  
Sivagangai.

5.The Correspondent,  
Hajee K.K.E.Higher Secondary School,  
Pudur - 630 709,  
Sivagangai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call 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 to direct the respondents to extend 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 this Court in W.P.No.8747 of 2009 within stipulated period.

For Petitioner : Mr.B.Alagarsamy



For R1 to R4 : Mrs.S.Srimathy  
Special Government Pleader  
For R5 :No Appearance

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**ORDER**

The relief sought for in the present writ petitions 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 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 MPs thereof, are ordered;"

3. The Full Bench of this Court has held that in respect of the writ petition 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 12.09.2014. 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. It is made clear that the respondents shall verify the service records and ascertain the eligibility of the writ petitioner and accordingly, extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, to them.

4. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to Government,  
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,  
Sivagangai-630 601,  
Sivagangai District.



4.The District Educational Officer,  
Sivagangai - 630 601,  
Sivagangai.

+1 CC to M/s.B.ALAGARSAMY, Advocate ( SR-81870[F] dated 16/08/2019 )

+1 CC to M/s.SPL GP ( SR-82014[F] dated 16/08/2019 )

W.P. (MD) No.15795 of 2014  
14.08.2019

cmr

JMN(09.09.2019) 4P : 7C