



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16597 of 2014

Kalyana Sundara Nachiyar

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai-600 006.
3. The Chief Educational Officer,
Tirunelveli.
4. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.
5. The Headmaster,
Periyar Government Higher Secondary School,
Cheranmahadevi-627 414,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and award Selection / Special Grade Scale of Pay of Primary School Headmaster with effect from 01.06.1988 and consequently, revise the pensionary benefits and pay arrears of pension to the petitioner, within a time frame fixed by this Court in the light of the order passed by this Court in W.P.No.17187 of 2003, dated 28.11.2007 and W.P.No.8747 of 2009, dated 14.07.2009 and the Hon'ble Apex Court in S.L.P.(C.C).No.2746 of 2010, dated 23.04.2010 and G.O.Ms.No.258, School Education Department, dated 06.09.2010.



For Petitioner : Mr.R.Subramanian
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

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ORDER

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

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 could 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."

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 petitioner on 02.03.2015. 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. It is made clear that the service records of the writ petitioner is to be verified and if she is qualified or otherwise and eligibility criteria are satisfied, the benefit is to be extended to the writ petitioner.

4. With this direction, this Writ Petition stands allowed. No costs.

Sd/-

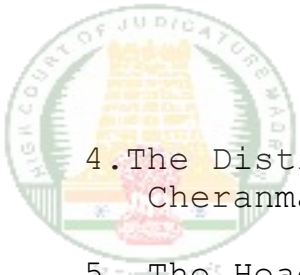
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai-600 006.
3. The Chief Educational Officer,
Tirunelveli.



4.The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

5. The Headmaster,
Periyar Government Higher Secondary School,
Cheranmahadevi-627 414,
Tirunelveli District.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-78409[F] dated
30/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-78557[F] dated
30/07/2019)

W.P. (MD)No.16597 of 2014
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Myr

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