



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) Nos.21013 to 21020 of 2014

and

M.P. (MD) .Nos.1,1,1,1,1,1,1 and 1 of 2014

V.CHANDRAN	...	PETITIONER IN WP (MD) .21013 OF 2014
R.JOY GNANABAI	...	PETITIONER IN WP (MD) .21014 OF 2014
S.CHANDRA KANTHAM	...	PETITIONER IN WP (MD) .21015 OF 2014
K.SUYAMBU KANI	...	PETITIONER IN WP (MD) .21016 OF 2014
S.KULANTHAIAMMAL	...	PETITIONER IN WP (MD) .21017 OF 2014
G.SARATHA	...	PETITIONER IN WP (MD) .21018 OF 2014
J.PONNA MANI	...	PETITIONER IN WP (MD) .21019 OF 2014
C.JOTHIMANI	...	PETITIONER IN WP (MD) .21020 OF 2014

1.The Principal Secretary to Government
School Education (G2) Department
Chennai

2.The Director of Elementary Education
College Road
Chennai

3.The District Elementary Education Officer
Tuticorin 628 001
Tuticorin District. ... 1 to 3 Respondents in all WPs

The Additional /Assistant Elementary
Educational Officer
Alwarthirunagari Range,
Thenthiruperi
Tuticorin District. ... 4th Respondent in WP(MD).21013 of 2014

The Additional Assistant Elementary Educational Officer,
tuticorin urban range,
Tuticorin District 628 001.
... 4th Respondent in WP(MD).21014 to 21020 OF 2014

Prayer in WP(MD). 21013/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the



Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

Prayer in WP(MD). 21014/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

Prayer in WP(MD). 21015/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

Prayer in WP(MD). 21016/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

Prayer in WP(MD). 21017/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.



Prayer in WP(MD). 21018/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

Prayer in WP(MD). 21019/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

Prayer in WP(MD). 21020/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records of the 1st respondent made in G.O. Ms. No. 270 School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O. Ms. No. 234 School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP Nos. 29644 and 29645 of 2003 within a stipulated period and to pass such further or other orders.

For Petitioner : M/s.B.Alagarsamy
(in all WPs)

For Respondents : Mrs.S.Srimathy
(in all Wps) Special Government Pleader

C O M M O N O R D E R

The relief sought for in the present writ petitions is to quash the order of the first respondent dated 20.09.2010 and further to direct the respondents to extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, 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.



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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.

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. Accordingly, the writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1. The Principal Secretary to Government,
School Education (G2) Department,
Chennai.
2. The Director of Elementary Education,
College Road, Chennai
3. The District Elementary Education Officer,
Tuticorin 628 001,
Tuticorin District.
4. The Additional /Assistant Elementary,
Educational Officer,
Alwarthirunagari Range,
Thenthiruperi, Tuticorin District.



5. The Additional Assistant Elementary Educational Officer,
Tuticorin urban range,
Tuticorin District 628 001.

+8CC TO MR.B.ALAGURSAMY, Advocate Sr. No.75944
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.76345

W.P.(MD) Nos.21013 to 21020 of 2014
and M.P.(MD) .Nos.1,1,1,1,1,1,1 and 1 of 2014
18.07.2019

KMK(CO)
TR (01.08.2019) 6P 15C