



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.3514, 3517, 3518 & 3519 of 2014

C.Ramasamy ...Petitioner in W.P.(MD) No.3514/2014
P.Subbian ...Petitioner in W.P.(MD) No.3517/2014
G.Gomathiammal ...Petitioner in W.P.(MD) No.3518/2014
C.Chokkappan ...Petitioner in W.P.(MD) No.3519/2014

vs.

1.The State of Tamil Nadu,
rep.by the Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai-600 009.

2.The State of Tamil Nadu
rep.by its Secretary to Government
Education Department,
Secretariat, Chennai-600 009.

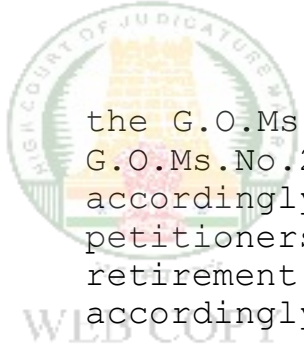
3.The Director of School Education,
(Higher Secondary)
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Virudhunagar District.

5.The District Educational Officer,
Virudhunagar District.

... Respondents in all W.Ps

PRAYER (in all W.Ps.): Writ Petitions 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 (PC) Department, to the petitioners in the light of the orders passed by the Honourable Division Bench of this Court in W.P. (MD) No.8747 of 2009, dated 14.07.2009, confirmed by the Honourable Apex Court in C.C.No.2746 of 2010 and in the light of



the G.O.Ms.No.258, Education (M1) Department, dated 06.09.2010 and G.O.Ms.No.284, Education (M1) Department, dated 30.09.2010, and accordingly, to award Selection / Special Grade Pay to the petitioners with effect from 01.06.1988 till the date of retirement and consequently to revise the pensionary benefits accordingly and arrears to be paid to the petitioners.

For Petitioners : Mr.D.Sakkaravarthi
 For Respondents : Mrs.S.Srimathy
 Special Government Pleader

C O M M O N O R D E R

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 petitions 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;

<https://hcservices.ecourts.gov.in/hcservices/> 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 petitions were filed by the writ petitioners on 25.02.2014. Thus, the writ petitioners are 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 petitioners 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 petitioners 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 petitions stand disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Secretary to Government,
Finance (Pay Cell) Department,
State of Tamil Nadu,
Secretariat, Chennai-600 009.

2. The Secretary to Government,
Education Department, Secretariat,
Chennai-600 009.



3.The Director of School Education,
(Higher Secondary),
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Virudhunagar District.

5.The District Educational Officer,
Virudhunagar District.

+1 CC to SPL GP SR-77936.

+1 CC to D.SAKKARAWARTHI, Advocate SR-78053.

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CS(07.08.2019) 4P 8C