



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3617 of 2014

WEB COPY

1.K.Thirupathy

2.V.Thanarasu

... Petitioners

vs.

1.State of Tamil Nadu

rep.by its Secretary to the Government

School Education Department

Fort St.George, Chennai-600 009

2.The Director of Elementary Education

College Road, Chennai-600 006

3.The District Elementary Educational Officer

Pudukottai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to fix the scale of pay to the petitioners as per G.O.Ms.No.234 dated 10.09.2009 counting entire length of service as a Elementary School Headmaster for selection grade and Special Grade and confer all consequential benefits.

For Petitioners: Ms.Jessi Jeeva Priya

For Respondents: Mrs.S.Srimathy

Special Government Pleader

O R D E R

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, to the writ petitioners.

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:

<https://hcservices.ecourts.gov.in/hcservices/>

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.

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 petitioners, with reference to the orders of the Honourable Division Bench (cited supra), as expeditiously as possible. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To:

1.The Secretary to the Government,
School Education Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

3.The District Elementary Educational Officer,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-76575[F] dated 22/07/2019)

krk

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19.07.2019

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