



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2019
CORAM

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 4524 of 2014
and
M.P. (MD) No. 1 of 2014

L.Radha

... Petitioner

-Vs-

1. The State of Tamil Nadu
represented by the Secretary to Government,
School Education (G2) Department,
Fort St.George, Chennai -9.

2. The Director,
Directorate of Elementary Education,
DPI Campus, College Road, Chennai -34.

3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.

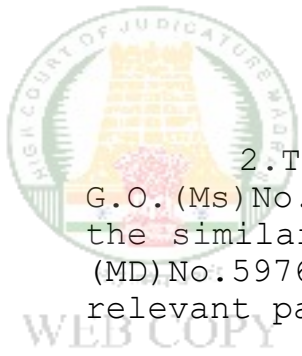
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the first respondent's impugned G.O.Ms.No.179, School Education (G2) Department, dated 06.09.2013 and to quash the restrictions imposed in paragraph 5(i), (ii) of the said G.O., same as illegal and consequently, to direct the respondents to fix the petitioner's pay from 14.06.1988 for the post of Primary School Head Master and Selection and Special Grade based on the G.O.Ms.No.179, School Education (G2) Department, dated 06.09.2013 and the petitioner's representation dated 10.01.2014.

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj
For Respondents : Mrs.S.Srimathy,
Spl.G.P.

ORDER

The relief sought for in this writ petition is to call for the proceedings of the first respondent respondent made in G.O.Ms.No.179 School Education (EE1(2)) Department, dated 06.09.2013, and quash the same and to direct the respondents herein to implement the Government Order in G.O.Ms.No.216 School Education Department, dated 30.12.2011 in favour of the petitioner.



2. The issues in relation to the extension of benefits of G.O.(Ms)No.216, School Education Department, dated 30.12.2011, to the similarly placed persons, were considered by this Court in W.P. (MD)No.5976 of 2015 and an order was passed on 06.06.2018. The relevant paragraphs of the said order are extracted hereunder:

"41. The Hon'ble Supreme Court of India, time and again, emphasised that for the purpose of getting the benefits, the pensioners or the employees, cannot be driven to Court for filing a writ petition. The State, being a model employer, should implement the financial orders uniformly to all persons, who are eligible to avail the benefits and there cannot be any discrimination in respect of grant of monetary benefits amongst the same class of people. Thus, this Court is of the strong opinion that the benefit granted in G.O.Ms.No.179, School Education Department, dated 6.9.2013, should not be restricted only to the litigants, who were before this Court numbering 1,528 and the same is to be extended to all the similarly placed persons, who belongs to the same class.

42. Accordingly, the following directions are issued:

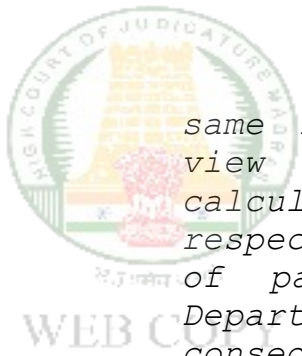
(i) The G.O.Ms.No.179, School Education Department, dated 6.9.2013 is upheld;

(ii) The benefits granted in G.O.Ms.No.179, School Education Department, dated 6.9.2013, to be implemented scrupulously in its terms and conditions to all the employees who have served in the same cadre and who are placed similarly;

(iii) If any double selection grade or double special grade was granted on account of an administrative error, the respondents are at liberty to rectify the errors in granting revision of pay and accordingly, fix the correct scale of pay as per the said Government Order;

(iv) If the revision of pay is not extended to the similarly placed persons, then the respondents are directed to grant the revision of scale of pay to all the similarly placed employees as per G.O.Ms.No.179, School Education Department, dated 6.9.2013. In this regard, the Director of Elementary School Education, is directed to prepare consolidated instructions with clear illustrations and communicate the same to all the subordinate officials, so as to avoid discrepancies and inconsistencies in respect of the implementation of G.O.Ms.No.179, School Education Department, dated 6.9.2013;

(v) The Government, in its counter affidavit in W.P.No.12092 of 2013 in paragraph 18, has narrated the statistics about the expenditure to be incurred and the



same is extracted in paragraph-38 of this judgment. In view of the financial stress, the Government shall calculate and revise the pension and family pension in respect of those who expired, based on the revised scales of pay in terms of G.O.Ms.No.179, School Education Department, dated 6.9.2013 and the arrears and the consequential monetary benefits would be payable on and from 1st January, 2018;

(vi) If any wrong fixation is done after the consolidated instructions are issued, then the Government as well as the Director of Elementary School Education, have to initiate appropriate disciplinary proceedings against the officials, who have violated the Court orders and the Government instructions, in this regard;

(vii) These directions are issued to provide a quietus to the issue and to the irregularities, discrepancies and inconsistencies caused on account of erroneous implementation of various Government Orders issued in this regard by the Government. Thus, an uniform implementation is to be made by the officials without giving any room for any discriminations and confusions in future and thereby to ensure that the officials have to implement the orders in its letter and spirit and scrupulously and to avoid financial loss to the State Exchequer.

(viii) The said exercise shall be done by the respondents, within a period of six months from the date of receipt of a copy of this order.

43. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

3. This being the factum, the respondents are directed to extend the benefits of G.O.(Ms) No.216, School Education Department, dated 30.12.2011, to the writ petitioner, with reference to the orders of this Court (cited supra), as expeditiously as possible. However, it is made clear that the respondents shall verify the service records and ascertain the eligibility of the writ petitioner and accordingly, extend the the benefits of G.O.(Ms) No.216, School Education Department, dated 30.12.2011, to her.

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

Sd/-

Assistant Registrar AD-II)

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To

1. The Secretary to Government,
State of Tamil Nadu,
School Education (G2) Department,
Fort St.George, Chennai -9.
2. The Director,
Directorate of Elementary Education,
DPI Campus, College Road, Chennai -34.
3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.

+1 CC to Mr.NA.PALANIYANDI, Advocate (SR-81357[F] dated 13/08/2019)

+1 CC to SPL GP (SR-81784[F] dated 14/08/2019)

W.P. (MD) No.4524 of 2014
13.08.2019

cmr/mm

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