



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.1835 of 2015

- 1.Pauluchamy
- 2.S.Ramu
- 3.S.Albonsamary
- 4.R.Saradha
- 5.C.Seethalakshmi
- 6.A.Natchiappan
- 7.K.V.R.Arasu
- 8.R.Indira
- 9.P.Samidurai
- 10.K.K.Arumugam
- 11.S.Krishnamoorthy
- 12.S.Lalitha

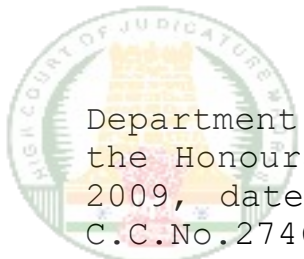
... Petitioner

vs.

- 1.The Secretary to Government,
Department of Finance (Pay Cell),
Secretariat, Fort St.George,
Chennai.
- 2.The Principle Secretary to Government,
School Education Department,
Fort St.George, Chennai.
- 3.The Director of School Education
(Higher Secondary),
College Road, Chennai - 600 006.
- 4.The Chief Educational Officer,
Pudukottai District.
- 5.The Chief Educational Officer,
Trichy District.
- 6.The Chief Educational Officer,
Sivagangai District.
- 7.The Chief Educational Officer,
Viruthunagar.
- 8.The Chief Educational Officer,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC)



Department dated 22.03.1993 in the light of the orders passed by the Honourable Division Bench of this Court in WP.(MD).No.8747 of 2009, dated 14.07.2009 confirmed by the Honourable Apex Court in C.C.No.2746 of 2010 dated 23.04.2010 and in the light of G.O.Ms.No.258, Education (M1) Department, dated 06.09.2010 and accordingly to award selection/special grade scale of pay with effect from 01.06.1988 and to pay revision of pensionary benefits and arrears to the petitioners on the basis of the petitioners' representation dated 18.10.2014.

For Petitioner : Mr.P.Ganapathy Subramanian
For Respondents : Mr.N.Shanmugam Selvam
Additional Government Pleader

O R D E R

This writ petition is filed for issuing a Writ of Mandamus to direct the respondents to implement the benefit of G.O.Ms.No.216, dated 22.03.1993, in tune with several direction of this Court in several cases and to award Selection/Special Grade to the petitioners with effect from 01.06.1988 and to pay the revision of pensionary benefit of arrears to the petitioners on the basis of their representation.

2.The Government issued an order in G.O.Ms.No.216, dated 22.03.1993, to remove the disparity in pay scale of Secondary Grade teachers of Higher Secondary School on par with Primary School Headmaster. The benefit of Government Order was extended to several teachers, who retired long back.

3.The Honourable Full Bench of this Court in a batch of case, dismissed the review application filed by State along with other appeals and ultimately, directed the Government to implement G.O.Ms.No.216, dated 22.03.1993 in respect of Secondary Grade Teachers of High / Higher Secondary School including Special Teachers, who attained Special/Selection grade during the above said period on par with the pay scale of Primary School Headmasters. The Honourable Full Bench in the case of **Government of Tamil Nadu, represented by the Secretary, School Education Department and others vs G.Eswaran and others**, reported in **2017 (1) CWC 561**, has issued the follow directions:

"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 arrears of pension (without arrears) based on the revised



scales of pay by implementing the G.O., for which, the learned Advocate General and the learned counsels 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 would be entertained on and from 09.12.2016;

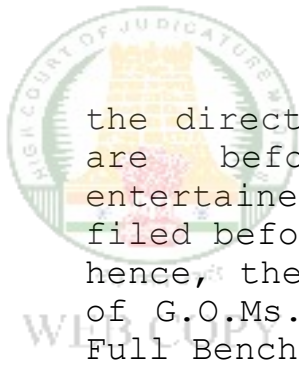
v) The Government is directed to expedite the process of calculating and fixing the revised pension and family pension and we do hope that the Government will complete the same as early as possible without making any further delay;

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;

39. With the above directions, all the captioned matters, viz., Writ Appeals, Writ Petitions, Review Applications are disposed of and the Contempt Petitions are closed. There shall be no order as to costs. Consequently, all connected Miscellaneous Petitions are closed.

40. It is brought to the notice of this Court that Writ Appeals in W.A.(MD) Nos.1325 to 1327 of 2016 which were tagged with the present batch of matters inadvertently as they are not pertaining to G.O.Ms.No.216, dated 22.3.1993. Hence, the Registry is directed to de-link these matters and post the same in regular course.

4. One of the directions of Honourable Full Bench was that



the direction in the order shall be extended to the parties, who are before this Court and no further writ petition will be entertained on and from 19.12.2016. The present writ petition is filed before the order of Honourable Full Bench was pronounced and hence, the petitioners are entitled to the same benefit in terms of G.O.Ms.No.216, dated 22.03.1993 as directed by the Honourable Full Bench of this Court.

5. Accordingly, this writ petition is allowed and the respondents are directed to extend the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993, in the light of orders passed by the Honourable Full Bench of this Court in the case of ***Government of Tamil Nadu, represented by the Secretary, School Education Department and others vs G.Eswaran and others***, reported in ***2017 (1) CWC 561***, and to pay the revised pensionary benefits and arrears to the petitioners within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

cmr

To

1. The Secretary to Government,
Department of Finance (Pay Cell),
Secretariat, Fort St. George,
Chennai.
2. The Principle Secretary to Government,
School Education Department,
Fort St. George, Chennai.
3. The Director of School Education
(Higher Secondary),
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Pudukottai District.
5. The Chief Educational Officer,
Trichy District.



6.The Chief Educational Officer,
Sivagangai District.

7.The Chief Educational Officer,
Viruthunagar.

8.The Chief Educational Officer,
Madurai.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-89358[F] dated
25/09/2019)

W.P. (MD)No.1835 of 2015
25.09.2019

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