



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.07.2019**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.20263, 20265 & 20266 of 2015

Manohari ... Petitioner in W.P. (MD) No.20263/2015
Manimekalai ... Petitioner in W.P. (MD) No.20265/2015
Shameem ... Petitioner in W.P. (MD) No.20266/2015

vs.

1.The State of Tamil Nadu
rep.by its Principal Secretary
Department of School Education
St.George Fort
Chennai-9

2.The Director
The Department of School Education
DPI Buildings
Greams Road
Chennai-6

3.The Chief Educational Officer
Karur District
Karur-639 105

... Respondents in all

W.Ps.

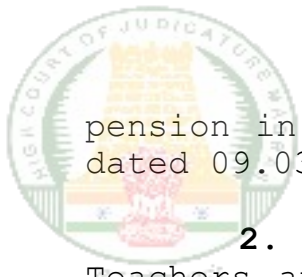
PRAYER (in all W.Ps): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to refix the petitioner's pay and pension in accordance with G.O.Ms.No.62/2015 dated 09.03.2015.

For Petitioner : Mr.S.Jayavel
(in all W.Ps.)

For Respondents : Mrs.S.Srimathy
(in all W.Ps.) 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 refix the petitioners' pay and



pension in accordance with G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015.

2. The writ petitioners were appointed as Secondary Grade Teachers and awarded with selection grade and retired from service on attaining the age of superannuation. Their grievance is that the revised scale of pay and pension as per G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015, have not been given to them. Thus, they are constrained to move the present writ petitions.

3. G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015, was issued granting selection grade / special grade scales of pay in the revised pay scales. The said Government Order was issued with reference to the Government Order in G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993. As far as G.O.Ms.No.216, dated 22.03.1993 is concerned, the Honourable Full Bench of this Court passed an order dated 09.12.2016 in Rev.Aplc.No.227 of 2015. The relevant paragraphs of the said order 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;

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;"

4. 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 04.11.2015. 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.

5. With the above direction, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Principal Secretary,
Department of School Education,
State of Tamil Nadu,
St. George Fort, Chennai-9.
2. The Director,
The Department of School Education,
DPI Buildings, Greaves Road,
Chennai-6.
3. The Chief Educational Officer,
Karur District, Karur-639 105.

+3 CC to M/s.S.JAYAVEL, Advocate (SR-75828, 75830, 75831[F] dated 17/07/2019)

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2015

15.07.2019

(1/2)