



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.6426 of 2015

WEB COPY

M.Chellammal

... Petitioner

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

PRAYER: Writ Petition 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 petitioner's husband in the light of the orders passed by the Hon'ble Division Bench of this Court in W.P.(MD) No.8747 of 2009, dated 14.07.2009, confirmed by the Hon'ble Apex Court in C.C.No.2746/2010 and the decision of this Hon'ble Division Bench of this Court in W.A.Nos.352, 390, 398, 577 of 2014 and in the light of the G.O.Ms.No.258, Education (M1) Department, dated 6.9.2010 and accordingly, to award Selection / Special Grade pay to the petitioner's husband with effect from 1.6.1988 till the date of retirement and consequently to revise the pensionary benefits accordingly and arrears to be paid to the petitioner.

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

**ORDER**

The relief sought for in the present writ petition 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 petition 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;

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;"

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 petition was filed by the writ petitioner on 21.04.2015. Thus, the writ petitioner is 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 petitioner 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.



4. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// 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.

+One cc to M/s.D.Sakkaravarthi, Advocate, SR.No.74810

+One cc to The Special Government Pleader, SR.No.74745

W.P. (MD) No.6426 of 2015
09.07.2019

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