

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 17436 OF 2013

1. H.N.Balakrishnamurthy
2. K.Alivelamma
3. R.Krishna Reddy
4. G.Narayana Reddy
5. S.C.Era Reddy
6. Venkatesamma
7. A.Lakshmana Rao
8. Savithiramma
9. M.Kaliappan
10. R.Susila
11. G.Ramakrishna Reddy
12. Y.Munisamy
13. K.E.S.Brunda Kumar
14. V.Ramasamy
15. M.Munigiriappa
16. K.Venkatamma
17. I.N.Dhanamma
18. K.Bajappa
19. M.Venkataramanapa
20. K.Srinivasulu Naidu
21. N.Subramaniam
22. B.R.Padma
23. N.Chandraiah
24. T.Krishnappa
25. M.Venkatesiah
26. V.Raja Reddy
27. H.Venkatappa
28. M.Sampangi
29. Rathanamma
30. N.Sathyanarayana
31. B.Lakshamma
32. Y.V.Leelavathy
33. D.Padma
34. G.Junjappa
35. V.Sree Rama
26. P.Venkatasamy Reddy

.. Petitioners

- Vs -

1. The State of Tamil Nadu  
rep. By its Secretary to Govt.  
Education Dept.  
Fort St. George, Chennai 600 009.

2. The Director of Elementary  
Educational Officer  
College Road, Chennai 600 006.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to implement the G.O. Ms. No.216, School Education (G2) Dept., dated 30.12.2011 and pay all the benefits to the petitioner within a date fixed by this Hon'ble Court.

For Petitioner : Mr. A.R.Nixon  
For Respondents : Mr. Suresh, Govt. Advocate

#### ORDER

The present petition is filed by the petitioner for a direction to the respondents to re-fix the pay in line with G.O. Ms. No.216, School Education (G2) Dept., dated 30.12.2011.

2. When the matter is taken up there is no representation for the petitioner. However, learned Government Advocate appearing for the respondents submitted that the issue raised in the present writ petition is squarely covered by the decision rendered by the Full Bench of this Court in the case of Government of T.N. & Ors. - Vs - G.Eswaran & Ors. (Rev. Appln. No.227/15, etc., Batch dated 9.12.2016) and, therefore, submitted that the above writ petition be allowed in terms with the order passed by the Full Bench in the abovesaid case.

3. A batch of writ petitions, writ appeals and review applications were considered by the Full Bench of this Court in Eswaran's case wherein the issue raised in the present writ petition fell for consideration and the Full Bench issued the following 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 family pension (without arrears) based on the revised scales of pay by implementing the G.O., for which, the learned 56 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 57 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 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 58 disposed of and the Contempt Petitions are closed. There shall be no order as to costs. Consequently, all connected Miscellaneous Petitions are closed."

4. In view of the fair stand taken by the learned Government Advocate appearing for the respondents, this writ petition is allowed in terms of the order passed by the Full Bench of this Court in Eswaran's case (supra). The respondents are directed to implement the directions issued by the Full Bench of this Court above in respect of the petitioner within a

period of three months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

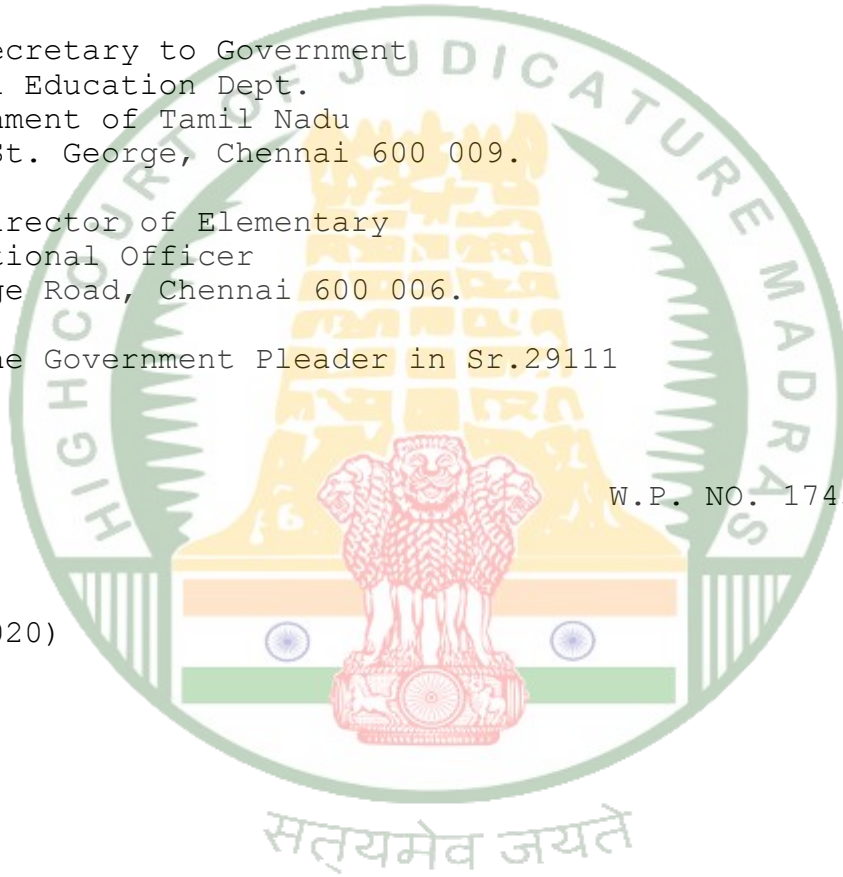
1. The Secretary to Government  
School Education Dept.  
Government of Tamil Nadu  
Fort St. George, Chennai 600 009.

2. The Director of Elementary  
Educational Officer  
College Road, Chennai 600 006.

+1cc to the Government Pleader in Sr.29111

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sr(co)  
rv(28/9/2020)



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