

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 27484 OF 2013

R.Balasubramanian

..Petitioner

- Vs -

1. The State of Tamil Nadu
rep. By its Secretary to Govt.
School Education Dept.
Fort St. George, Chennai 600 009.
2. The State of Tamil Nadu
rep. By its Secretary to Govt.
Finance Dept.
Fort St. George, Chennai 600 009.
3. The Director of School Education
DPI Compound, College Road
Chennai 600 006.
4. The Chief Educational Officer
Chief Educational Officer
Namakkal.
5. The Head Master
Govt. Higher Secondary School
M.Chettipatty 636 455
Namakkal District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the first respondent to refix his pay in the scale of pay of Rs.2000-60-2300-75-3200 w.e.f. 1.6.1988 based on the orders issued in G.O. Ms. No.216, Finance (PC) dated 22.03.1993 and by applying Rule 4 (3) of Tamil Nadu Revised Scales of Pay Rules, 1989 and G.O. Ms. No.69, School Education (M1) Department dated 18.4.2013 with all consequential benefits including arrears of pay and allowances.

For Petitioner : No Appearance

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, Finance (PC) Department dated 22.3.93 and G.O. Ms. No.69, School Education (M1) Department dated 18.4.2013 with all consequential benefits including arrears of pay and allowances.

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 relating to G.O. Ms. No.216, Finance (PC) Dept., dated 22.3.93 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 of G.O. Ms. No.216, Finance (PC) Department dated 22.3.93 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 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(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
School Education Dept.
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Secretary to Government
Finance Dept.
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
3. The Director of School Education
DPI Compound, College Road
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4. The Chief Educational Officer
Chief Educational Officer
Namakkal.
5. The Head Master,
Government Higher Secondary School,
M.Chettipatty,
Namakkal.

+1cc to Government Pleader, SR.No.28495

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NRJK (CO)
KKV/28/10/2020