

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4680 of 2015

R.Ponnusamy

.. Petitioner

Vs

- 1.The Chief Secretary to the Government
Government of Tamil Nadu,
Education Department,
Secretariat, Chennai - 600 009.
- 2.The Director of School Education,
Governemnt of Tamil Nadu,
DPT Complex, Nungambakkam,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Manjakuppam, Cuddalore - 607 001. .. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to pay the petitioner the benefits and the arrears of money benefits as per the G.O.Ms.No.216, Finance (Paycell) Department, dated 22.03.1993, to the petitioner forthwith.

For Petitioner : Mr.M.Balaji
For Respondents : Mrs.P. Kavitha
Government Advocate

ORDER

The issue involved in this writ petition is covered by a judgment of Full Bench of this Court in the case of The Government of Tamil Nadu v. G.Eswaran and the relevant portion of the judgment in Rev.Appln.No.227 of 2015 in para no.38, dated 09.12.2016 is as follows:-

"38. Today, when the matters are taken up for consideration, keeping in mind the financial strain that would fall on the State exchdquer 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 Governemnt 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 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 22.03.1993 for the period between 01.06.1988 and 31.12.1995, on and from 01.03.2017 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 22.03.1993 payable on and from 01.03.2017.

(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 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."

2. In view of the abovesaid judgment, the writ petition is disposed of in the same terms. However, the writ petitioner is directed to make a fresh representation to the first respondent and the same shall be forwarded to the second respondent by the first respondent. On receipt of such representation, the second respondent shall pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

msm

To

1.The Chief Secretary to the Government
Government of Tamil Nadu,
Education Department, Secretariat, Chennai - 600 009.

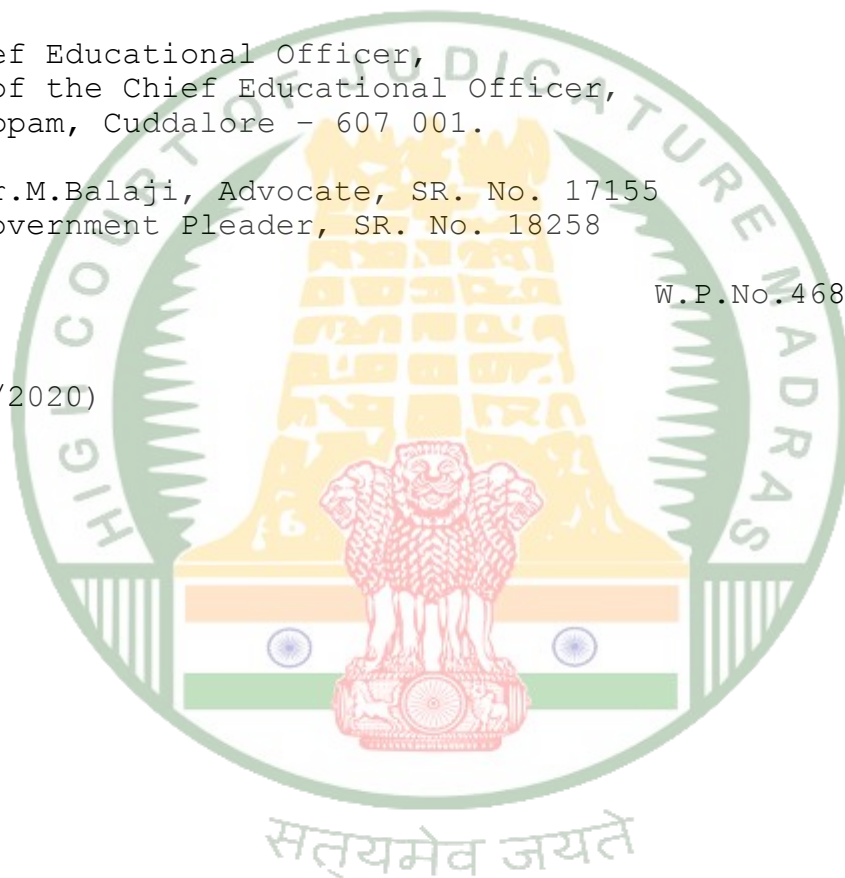
2.The Director of School Education,
Government of Tamil Nadu, DPT Complex,
Nungambakkam, Chennai - 600 006.

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Manjakuppam, Cuddalore - 607 001.

+1cc to Mr.M.Balaji, Advocate, SR. No. 17155
+1cc to Government Pleader, SR. No. 18258

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VGI (CO)
RMP (17/07/2020)



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