



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 12.08.2020
DELIVERED ON : 17.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WEB COPY

WP(MD).Nos.10265 to 10267 of 2013 and
M.P(MD).Nos. 1 and 2 of 2013 in
WP(MD).Nos.10265 to 10267 of 2013

P. Thangaiah : Petitioner in W.P(MD).No.10265/13
S. Pandian : Petitioner in W.P(MD).No.10266/13
M. Gurusamy : Petitioner in W.P(MD).No.10267/13

Vs.

1. State of Tamil Nadu
rep. by its Secretary,
Education Department,
Secretariat, Chennai.

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Dindigul District,
Dindigul.

4.The District Educational Officer,
Dindigul Educational District,
Dindigul.

5.The Headmaster,
NSV Boys Higher Secondary School,
Pattiveeranpatti,
Dindigul District - 624 301

... Respondents in all W.Ps.

Prayer in all WPs: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certioriorified Mandamus calling for the records pertaining to the impugned paragraph 6(IV) of the G.O(Ms).No.69, School Education (M1) Department, dated 18.04.2013 on the file of the respondent No.1 and quash the same and consequently, direct the respondents 1 to 4 to disburse the revised pensionary benefits of the petitioners as per the G.O.Ms.No.216 of 1993 dated 22.03.1993 within the time period stipulated by this Court.



For Respondents in all W.Ps. : Mr.N. Shanmugaselvam
Additional Government Pleader

COMMON ORDER

WEB COPY

These Writ Petitions have been filed to quash the impugned paragraph No. 6(IV) of the G.O(Ms).No.69, School Education (M1) Department, dated 18.04.2013 on the file of the first respondent and consequently, direct the respondents 1 to 4 to disburse the revised pensionary benefits of the petitioners as per G.O.Ms.No.216 of 1993, dated 22.03.1993 within the time frame to be fixed by this Court.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the similar nature Writ Petitions have been disposed of by the Full Bench Judgment of this Court at Principal Seat, dated 09.12.2016 made in Rev.APLC.No.227 of 2015 etc., batch. However, subject to the following conditions that was held in paragraph No.38 Sub Clause (i) to (vi), which reads as follows:

"38. Today, when the matter 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 Advocate General and the learned counsel 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.

<https://hcservices.ecourts.gov.in/hcservices/> 11) 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 list before this Court are also ordered and disposed of by this common order and consequently, connected MPs thereof, are ordered. '"

3. I have heard the learned counsel appearing for the petitioner and also perused the W.P(MD).Nos. 18491 to 18499 of 2017 produced by the learned Additional Government Pleader appearing for the respondents.

4. In view of the order passed by the Full Bench Judgment of this Court at Principal Seat, the petitioners herein are also entitled to the similar benefits since the Writ Petitions filed on 11.06.2013 itself. However, the W.P(MD).Nos. 18491 to 18499 of 2017 filed for similar relief were dismissed by this Court on 05.10.2017 on the ground the said petitions have been filed in the year 2017.

5. In view of the fact that the Writ Petitions have been filed in the year 2013 itself i.e., on 11.06.2013, the petitioners herein are also entitled to the benefits as given by the Full Bench Judgment of the Principal Seat dated 09.12.2016 made in Reve.APLC.No.227 of 2015 etc., batch.

6. Accordingly, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

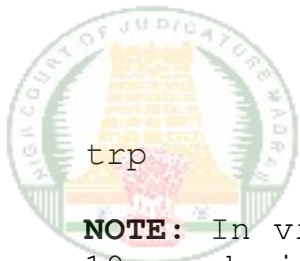
Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Secretary,
State of Tamil Nadu,
Education Department,
Secretariat, Chennai.

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Dindigul District,
Dindigul.

4.The District Educational Officer,
Dindigul Educational District,
Dindigul.

5.The Headmaster,
NSV Boys Higher Secondary School,
Pattiveeranpatti,
Dindigul District - 624 301.

+3 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-,14287,14288,14289[F]
dated 18/08/2020)

WP(MD).Nos.10265 to 10267 of 2013 and
M.P(MD).Nos. 1 and 2 of 2013 in
WP(MD).Nos.10265 to 10267 of 2013
17.08.2020

KK(25.08.2020) 4P 9C