



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).Nos.20250, 20251, 20252, 20253, 20254 and 20255 of 2013

W.P(MD).No.20250 of 2013

A.Karuppiah

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.

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

3.The District Elementary Educational Officer,
Pudhukottai, Puhukottai District.

4.The Assistant Elementary
Educational Officer,
Thiruvarankulam Union,
Pudhukottai District.

... Respondents

Prayer in W.P(MD).No.20250 of 2013 Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents herein to sanction and award forthwith Selection Grade and Special Grade to the petitioner in the post of Primary School Headmaster by reckoning and computing the petitioner's service rendered in the cadres of Secondary Grade Teacher (02.06.1975 to 01.06.2000) and Primary School Headmaster from 02.06.2000 onwards).

W.P(MD).No.20251 of 2013

1. D. Esther Kamalam

... Petitioner

- Vs. -

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.

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



3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
4. The Assistant Elementary Educational Officer,
Sathankulam , Tuticorin District.

... Respondents

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Prayer in WP(MD)No. 20251 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing respondents herein to sanction and award forthwith selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioners service rendered in the cadres of Secondary Grade Teacher(24.10.1979 to 03.06.2002))and Primary School Headmaster from 04.06.2003 onwards).

WP(MD)No. 20252 of 2013 :

A.Vimala Sorubarani

... Petitioner

VS

- 1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Pudhukottai, Pudhukottai District .
4. The Assistant Elementary Educational Officer,
Ponnamaravathi Union,
Pudhukottai District .

... Respondents

Prayer in WP(MD)No. 20252 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing respondents herein to sanction and award forthwith selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioners service rendered in the cadres of Secondary Grade Teacher (14.10.1987 to 02.07.1998) and Primary School Headmaster from 03.07.1998 onwards).



WP(MD)No. 20253 of 2013 :

M.Regina Mary

...Petitioner

vs

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.

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

3.The District Elementary Educational Officer,
Pudhukottai, Pudhukottai District.

4. The Assistant Elementary Educational Officer,
Kandaharvakottai, Pudhukottai District. ...Respondents

Prayer in WP(MD)No. 20253 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing respondents herein to sanction and award forthwith selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioners service rendered in the cadres of Secondary Grade Teacher(09.09.1987 to 07.07.1999)and Primary School Headmaster from 08.07.1999 onwards).

WP(MD)No. 20254 of 2013 :

T.Thangaraj Thiraviam

...Petitioner

vs

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.

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

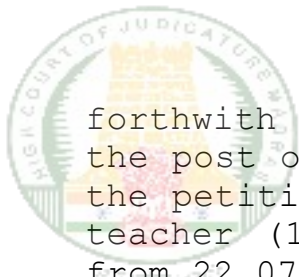
3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.

4. The Assistant Elementary Educational Officer,
Sathankulam , Tuticorin District.

... Respondents

Prayer in WP(MD)No. 20254 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing respondents herein to sanction and award



forthwith selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioners service rendered in the cadress of Secondary Grade teacher (11.08.1975 to 21.07.1997) and Primary School Headmaster from 22.07.1997 onwards).

WP(MD)No. 20255 of 2013 :

A.Soundara Raj

...Petitioner

vs

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.

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

3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.

4. The Assistant Elementary Educational Officer,
Sathankulam , Tuticorin District.

... Respondents

Prayer in WP(MD). 20255 of 2013 :

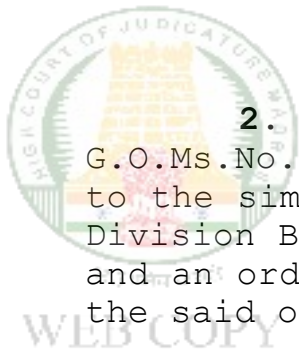
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing respondents herein to sanction and award forthwith selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioners service rendered in the cadres of Secondary Grade Teacher(01.06.1972 to 15.10.1995)and Primary School Headmaster from 16.10.1999 onwards).

In all cases

For Petitioner	: Mr.P.Muthuvel for M/s.Isaac Chambers
For Respondents	: Mrs.S.Srimathy Special Government Pleader

COMMON ORDER

The relief sought for in these present writ petitions is for a direction to the respondents to sanction and award forthwith Selection Grade and Special Grade to the petitioners in the post of Primary School Headmaster by reckoning and computing the petitioners' service rendered in the cadres of Secondary Grade Teacher and Primary School Headmaster, respectively.



2. The issues in relation to the extension of benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to the similarly placed persons, were considered by the Honourable Division Bench of this Court in Rev.Aplc.(MD) Nos.56 to 60 of 2019 and an order was passed on 31.01.2019. The relevant paragraphs of the said order are extracted hereunder:

"2.The Writ Appeals were dismissed by us on 11.08.2017 on the ground that the Full Bench of this Court in the decision reported in **2017 (2) MLJ 257 (FB) - the Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort. St. George, Chennai - 9 and others Vs. G.Eswaran and others**, had already ruled against the Government and in favour of the retired employees. Contending that the said direction has not been complied with, the writ petitioners filed CONT.P[MD]Nos.2007 to 2009 of 2018. Seeking review of the order dismissing the Writ Appeals, the Government has filed review petitions on the ground that even though the Full Bench decision went against the Government, the direction issued by the Full Bench ought to have been incorporated while dismissing the Writ Appeals.

3.The learned Special Government Pleader is right in her submission that even while ruling in favour of the retired employees, the Full Bench issued a direction for implementing the monetary benefits only with effect from 01.03.2017 onwards. Since this aspect of the matter was not taken note of, the order dated 11.08.2017 in the aforesaid Writ Appeals stands set aside. Accordingly, the Writ Appeals are disposed of, with the following directions:

1) The Government is directed to extend the benefit conferred under G.O. [Ms.]No.234, School Education Department dated 10.09.2009, in respect of the respondents / writ petitioners herein on and from 01.03.2017 onwards. Consequently, the Government shall compute and revise their pension based on the revised scales of pay in terms of the aforesaid G.O. and this shall be payable on and from 01.03.2017.



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2) It is made clear that the beneficiaries under the order are not entitled to the arrears of revised pay scales.

3) The Government is directed to expedite the process of computing and fixing the revised pension and disburse the benefits as expeditiously as possible without further delay.

4. In the result, the Review Applications are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

3. This being the factum, the respondents are directed to extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to all these writ petitioners, with reference to the orders of the Honourable Division Bench (cited supra), as expeditiously as possible. However, it is made clear that the respondents shall verify the service records and ascertain the eligibility of these writ petitioners and accordingly, extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to them. Accordingly, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

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Sub Assistant Registrar(CS)

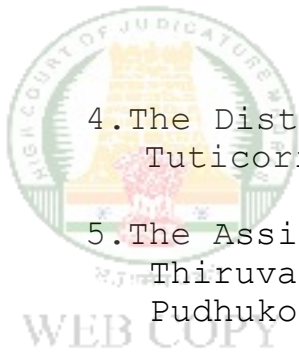
RMK

To

1. The Secretary to State of Tamilnadu,
Department of School Education,
Fort St. George, Chennai 600 006.

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

3. The District Elementary Educational Officer,
Pudhukottai, Pudhukottai District.



- 4.The District Elementary Educational Officer,
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Thiruvarankulam Union,
Pudhukottai District.
6. The Assistant Elementary Educational Officer,
Sathankulam , Tuticorin District.
- 7.The Assistant Elementary Educational Officer,
Kandaharvakottai, Pudhukottai District.
- 8.The Assistant Elementary Educational Officer,
Ponnamaravathi Union,
Pudhukottai District .

+6 CC to M/s.ISAAC CHAMBERS, Advocate (SR-19843[F] dated
13/10/2020)

W.P.(MD).Nos.20250, 20251, 20252,
20253, 20254 and 20255 of 2013
12.10.2020

SRK(CO)
KM (22.10.2020) 7P 15C