



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.3661 of 2014

M.Gopalsamy

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
rep., by its Secretary to the Government,
School Education Department,
Fort St.George, Chennai 9.

2.The Director of Elementary Education,
D.P.I. Compound, College Road,
Chennai-6.

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

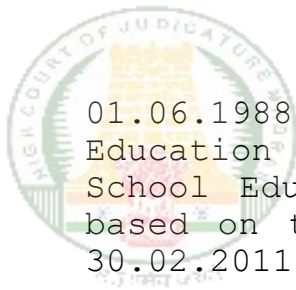
4.The Additional Assistant Elementary Educational Officer,
Otanchathram, Dindigul District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to sanction and award Selection Grade and Special Grade pay to the petitioner herein in the post Headmaster of Primary School by reckoning and computing the petitioner's service rendered as Second Grade Teacher prior to 01.06.1988 as extended to 1528 persons in G.O.Ms.No.179 School Education (Tho.ka.(2) Department, dated 06.09.2013 and G.O.Ms.No.234 School Education Department dated 10.09.2009 provide the benefits based on the G.O.Ms.No.216 School Education (G2) Department dated 30.02.2011.

For Petitioner	: Mr.S.Karthik
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to the respondents to sanction and award Selection Grade and Special Grade pay to the petitioner herein in the post Headmaster of Primary School by reckoning and computing the petitioner's service rendered as Secondary Grade Teacher prior to



01.06.1988 as extended to 1528 persons in G.O.Ms.No.179 School Education (Tho.ka.(2) Department, dated 06.09.2013 and G.O.Ms.No.234 School Education Department dated 10.09.2009 provide the benefits based on the G.O.Ms.No.216 School Education (G2) Department dated 30.02.2011.

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2. The issues in relation to the benefit of G.O.Ms.No.216 was already decided by the Hon'ble Full Bench of this Court in the case of **Government of Tamil Nadu**, represented by **the Secretary, School Education Department Vs. G.Eswaran and others** reported in **2017 (1) CWC 561**. The Full Bench of this Court had granted relief. Para 38 of the above said judgment reads as follows:

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 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 scale 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 09.02.2016;



(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;

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(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 M.Ps., thereof, are ordered.

3. In para 38 (iv) states that the benefits are extended in respect of the writ petitioner, who had filed the writ petition prior to 09.12.2016. The present writ petition was filed by the writ petitioner on 03.02.2015 within the cut off date prescribed by the Full Bench of this Court. Thus, the writ petitioner is also entitled for the relief granted by the Hon'ble Full Bench in the case cited supra.

4. The respondents are directed to consider the case of the writ petitioner in the light of the Full Bench of the judgment rendered in the case of **Government of Tamil Nadu**, represented by **the Secretary, School Education Department Vs. G.Eswaran and others** reported in **2017 (1) CWC 561** and pass orders in the case of the writ petitioner also on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. However, it is made clear that the respondents shall verify the service records as well as the eligibility criteria in respect of the writ petitioner and accordingly, extend the benefits.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Secretary to the Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 9.



2.The Director of Elementary Education,
D.P.I. Compound, College Road,
Chennai-6.

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

4.The Additional Assistant Elementary Educational Officer,
Otanchathram, Dindigul District.

+1 CC to Mr.S.KARTHIK, Advocate (SR-22761[F] dated 26/11/2020)

+1 CC to SPL GP (SR-23026[F] dated 26/11/2020)

W.P. (MD) .No.3661 of 2014
23.11.2020

VB (16.12.2020) 4P 7C