



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15985 of 2015

A.Shanmugavelu

... Petitioner

-Vs-

1.The Secretary,
Secretary to Government,
Secretariate,
Chennai.

2.The Director,
Elementary Education,
Directorate of Elementary Education,
College Road,
DPI Campus,
Chennai.

3.The District Elementary Educational Officer,
Collectorate Building,
Virudhunagar District.

4.The Assistant Elementary Educational Officer,
AEEO Office,
Srivilliputtur Taluk,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent passed in proceedings Na.Ka.No.95/A2/2014 dated 15.10.2014 and quash the same and consequently, directing the respondents to disburse all monetary benefits to the petitioner in the scale of Special Grade Headmaster post by considering the petitioner's services.

For Petitioner : Mr.S.Alagusundar

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The writ petitioner is deprived of the benefit granted by the Government in G.O.Ms.No.216 Finance Department (Pay Cell), dated

22.03.1993.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The relief sought for in this writ petition is to extend the benefit of G.O.Ms.No.258 dated 06.09.2010, which was passed based on G.O.Ms.No.216 dated 22.03.1993.

3.At the outset, the writ petitioner also claims that the benefits granted to other teachers in G.O.Ms.No.216 dated 22.03.1993 should be extended to him.

4.The issue 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 22.3.1993 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 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 M.Ps., thereof, are ordered."

5.In para 38 (iv) states that the benefits are extended in respect of the writ petitioner, who had filed the present writ petition prior to 09.12.2016. The present writ petition was filed by the writ petitioner on 28.08.2015 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.

6.The respondents are directed to verify the Service Records and if the petitioner is otherwise eligible, extend the benefit of the principles laid down 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** and pass orders on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
School Education Department,
Secretariate,
Chennai.

2.The Director,
Elementary Education,
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DPI Campus, Chennai.



3.The District Elementary Educational Officer,
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+1 CC to SGP (SR-24925[F] dated 10/12/2020)

W. P. (MD) No.15985 of 2015

09.12.2020

ARK (CO)

NR (21/12/2020) 4P : 6C