



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.17625 of 2015

and

M.P(MD).No.1 of 2015

WEB COPY

G.Madasamy

... Petitioner

-Vs-

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

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

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

4.The District Educational Officer,
Virudhunagar District,
Virudhunagar.

5.The Headmaster,
Government Higher Secondary School,
Pappanaicker Patti,
Malli Post 626 141,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent made in G.O.Ms.No.69, School Education (M.1) Department dated 18.04.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.258 School Education (M.1) Department dated 06.09.2010, which was implemented in pursuance of the order dated 14.07.2009 of the Hon'ble Division Bench in W.P.No.8747 of 2009 within a stipulated period.

For Petitioner

: Mr.B.Alagarsamy

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 dated 22.03.1993.

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 her.

4. 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;

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

(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 28.09.2015 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 consider the case of the writ petitioner in the light of the judgment of the Full Bench 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.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)



To

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