



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).Nos.17648, 17649, 17650, 17651 and 17652 of 2015

and

M.P(MD).Nos.1,1,1,1 and 1 of 2015

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W.P(MD).No.17648 of 2015

K.Vellaichamy

... 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 Elementary Education,
College Road,
Chennai-6.

3.The District Elementary Educational Officer,
Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Thiruppulani,
Ramanathapuram 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 second respondent made in ROC.No.027948/D3/2013, dated 28.10.2013 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.234 School Education (G.2) Department dated 10.09.2009, which was implemented in pursuance of the order dated 21.02.2008 of the Hon'ble Division Bench in W.P.Nos.29644 and 29645 of 2003 within a stipulated period.

W.P(MD).No.17649 of 2015

K.Sankaralingam

... 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 Elementary Education,
College Road,
Chennai-6.

3.The District Elementary Educational Officer,
Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Thiruppullani,
Ramanathapuram 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 second respondent made in ROC.No.27841/D3/2013, dated 28.10.2013 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.234 School Education (G.2) Department dated 10.09.2009, which was implemented in pursuance of the order dated 21.02.2008 of the Hon'ble Division Bench in W.P.Nos.29644 and 29645 of 2003 within a stipulated period.

W.P(MD) .No.17650 of 2015

S.Kathiresan

... Petitioner

-Vs-

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

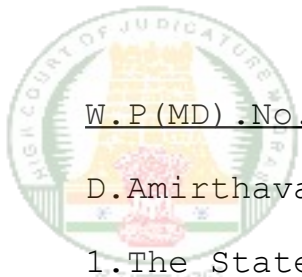
2.The Director of Elementary Education,
College Road,
Chennai-6.

3.The District Elementary Educational Officer,
Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Thiruppullani,
Ramanathapuram 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 second respondent made in ROC.No.027942/D4/2013, dated 28.10.2013 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.234 School Education (G.2) Department dated 10.09.2009, which was implemented in pursuance of the order dated 21.02.2008 of the Hon'ble Division Bench in W.P.Nos.29644 and 29645 of 2003 within a



W.P.(MD).No.17651 of 2015

D.Amirthavalli

... 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 Elementary Education,
College Road,
Chennai-6.

3.The District Elementary Educational Officer,
Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Thiruppulani,
Ramanathapuram 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 second respondent made in ROC.No.027946/D3/2013, dated 28.10.2013 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.234 School Education (G.2) Department dated 10.09.2009, which was implemented in pursuance of the order dated 21.02.2008 of the Hon'ble Division Bench in W.P.Nos.29644 and 29645 of 2003 within a stipulated period.

W.P.(MD).No.17652 of 2015

V.Kunjaram

... 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 Elementary Education,
College Road,
Chennai-6.

3.The District Elementary Educational Officer,
Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Thiruppulani,
Ramanathapuram 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 second respondent made in ROC.No.027947/D3/2013, dated 28.10.2013 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.234 School Education (G.2) Department dated 10.09.2009, which was implemented in pursuance of the order dated 21.02.2008 of the Hon'ble Division Bench of High Court, Madras in W.P.Nos.29644 and 29645 of 2003 within a stipulated period.

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

COMMON ORDER

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



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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.

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). The said exercise shall be done by the respondents within a period of twelve(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 and ascertain the eligibility of these writ petitioners and accordingly, extend the 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

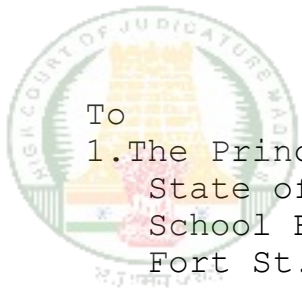
Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)

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To

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

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

3.The District Elementary Educational Officer,
Ramanathapuram District.

4.The Assistant Elementary Education Officer,
Thirupulani, Ramanathapuram District.

+5 CC to M/s.B.ALAGAR SAMY, Advocate (SR-25003[F] dated
10/12/2020)

+1 CC to M/s.GP (SR-24918[F],24919,24920,24921 dated 10/12/2020)

W.P.(MD).Nos.17648, 17649,
17650, 17651 and 17652 of 2015
08.12.2020

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AC (CO)

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