



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.18512 of 2015

and

MP (MD) No.1 of 2015

V.Rajaram (Died)

R.Anuprabha

... Petitioner

[Petitioner substituted vide order dated 15.10.2020
in W.M.P. (Md) No.15607 of 2018]

-Vs-

1. The Secretary to the Government,
Department of Education,
Fort St. George, Chennai.
2. The Director of Elementary Education, Chennai.
3. The District Elementary Educational Officer,
Madurai, Madurai District.
4. The Assistant Elementary Educational Officer,
Alanganallur, Madurai District. ... Respondents

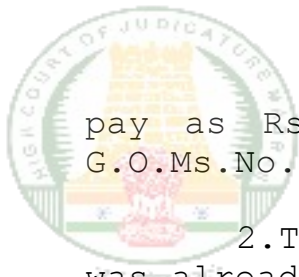
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in RC.No.365/A1/2010, dated 18.08.2015 on the file of the fourth respondent and quash the same and further directing the respondents to refix the petitioner's scale of pay as Rs.8,000-275-13,500 with effect from 25.01.00 as per G.O.Ms.No.234, School Education Department, dated 10.09.2009.

For Petitioner : Mr.G.Prabhurajadurai

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to refix the petitioner's husband scale of



pay as Rs.8,000-275-13,500 with effect from 25.01.2000 as per G.O.Ms.No.234, School Education Department, dated 10.09.2009.

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 deceased husband, who had filed the present writ petition prior to 09.12.2016. The present writ petition was filed by the writ petitioner on 30.09.2015 within the cut off date prescribed by the Full Bench of this Court. Thus, the writ petitioner's husband 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 petitioner's husband 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's husband 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's husband and accordingly, extend the benefits.

5. 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-III)

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/ /2021

Sub Assistant Registrar(CS)

To

1. The Secretary to the Government,
Department of Education,
Esplanade, Chennai.

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



2. The Director of Elementary Education,
Chennai.

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

4. The Assistant Elementary Educational Officer,
Alanganallur, Madurai District.

+1cc to Mr.G.Prabhu Rajadurai, Advocate in SR.No.26495

+1cc to The Special Government Pleader in SR.No.26599

W.P. (MD) .No.18512 of 2015
18.12.2020

sjj

AE/ (18/01/2021) 4P / 7C