



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 8956 of 2015

R.Venkatesan

... Petitioner

Vs.

1.The Chief Secretary,
Government of Tamilnadu,
St.George Fort,
Chennai.

2.The Secretary,
Education Department,
St.George Fort,
Chennai.

3.The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai - 600 006.

4.The District Elementary Education Officer,
R.M.S.Road,
Madurai

5.The Assistant Elementary Education Officer,
Madurai West, Anaiyur P.O.,
Madurai - 625 017.

6.The Principal Account General,
Accounts and Entitlement Department,
361, Annasalai, Chennai - 600 018.

... Respondents

***(R6 impleaded vide order
dated 17.09.2020)**

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.1922/A1/2013, dated 18.12.2013, on the file of the 5th respondent and quash the same as illegal, ultra vires and unconstitutional and in consequence, direct the respondents to implement the order O.A.No.5210/2000, dated 22.03.2002, passed by the State Administrative Tribunal and to pay the consequential arrears of pay and other benefits, as stated in G.O.Ms.No.216, School Education (G2), dated 30.12.2011, within a time frame as fixed by this Court.



For Petitioner : Mr.S.Ramesh
For Respondents : Mr.J.Gunaseelan Muthiah
(R1 to R5) Addl.Govt.Pleader
For Respondent-6 : Mr.P.Gunasekaran

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ORDER

The writ petitioner is deprived of the benefit granted by the Government in G.O.(Ms)No.216, School Education (G2) Department, dated 30.12.2011.

2.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."

3. 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 03.05.2015 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 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 is disposed of. No costs.

Sd/-

Assistant Registrar ()

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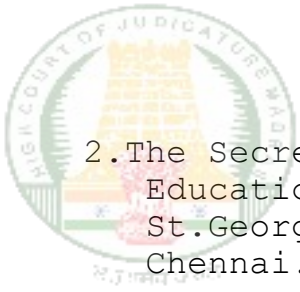
/ /2020

Sub Assistant Registrar(CS)

MPK

To

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Chennai.



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361, Annasalai, Chennai - 600 018.

+1 CC to Spl GP (SR-24837[F] dated 10/12/2020)

+1 CC to Mr. V. RAGAVACHARI, Advocate (SR-24997[F] dated 10/12/2020)

W.P. (MD) No. 8956 of 2015
09.12.2020

VB (21.12.2020) 4P 9C