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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2021

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THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.19428 of 2016

B.Govindan

.. Petitioner

-vs-

1. The Government of Tamil Nadu rep.by
The Secretary to the Government,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Chief Educational Officer,
Vellore, Vellore District.
3. The Principal Accountant General
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai, Chennai - 600 018.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993, G.O.Ms.No.258, School Education Department dated 06.09.2010 and G.O.Ms.No.284, School Education Department dated 30.09.2010 in the light of the orders passed by the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Hon'ble Supreme Court of India in CC 2746 of 2010 dated 23.04.2010 immediately to the petitioner and grant all consequential benefits.

For Petitioner	:	Mr.P.R.Rajendran
For Respondents	:	Mr.P.Chinnadurai Government Advocate

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.



2. The petitioner herein is a retired Secondary Grade Teacher, who claims the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993, whereby an uniform scale of pay for all the Secondary Grade Teachers was introduced, bringing the salaries of the Secondary Grade Teachers on par with the Primary School Head Masters.

3. Incidentally, the Government had issued G.O.Ms.No.96, Finance (CMPC) Department, dated 17.03.2016, whereby it was held that such monetary benefits would not be applicable to the teachers like that of petitioner herein.

4. The issue came to be dealt with by a Full Bench of this Court in the case of Government of Tamil Nadu, rep. by its Secretary, School Education Department, Fort St.George, Chennai and others vs. G.Eswaran and others, passed in Review Application No.227 of 2015 dated 09.12.2016, whereby it was held that the provisions of G.O.Ms.No.216, dated 22.03.1993, the Secondary Grade Teachers are entitled to Selection Grade / Special Grade on par with the Primary School Headmasters with effect from 01.06.1988. The relevant portion of the order of the Hon'ble Full Bench reads as follows:

"27. The petitioners, who came forward with the various Writ Petitions, seeking to extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.3.1993, were Secondary Grade Teachers working in the Government High Schools and Higher Secondary Schools. Their services are governed by the Tamil Nadu Educational Subordinate Service Rules and are under the control of the Directorate of School Education. According to them, by virtue of G.O.Ms.No.216, 22.3.1993 they are entitled to Selection Grade/Special Grade on par with the Primary School Headmasters with effect from 1.6.1988, i.e. from the date on which, higher pay scale was given to the Primary School Headmasters by way of awarding Selection/Special Grade by counting their total service.

...

35. As we confirmed that the benefits of G.O.Ms.No.216 have to be extended to all the Secondary Grade Teachers of High/Higher Secondary Grade Schools on par with the Primary School Headmasters, it is for the Government to implement the order. It appears that having issued the G.O.Ms.No.216 and having faced the contempt proceedings, the Government is more concerned about the implementation of the G.O. rather to agitate the said G.O. According to the statistical data submitted by the Government, there were 30273



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Secondary Grade Teachers in Government High/Higher Secondary Schools during the period 1989-90 and 13675 PET/Special Teachers (in total 43948) were in service as on 30.09.1989 and if the implementation of the G.O. is carried out, the expenditure would approximately more than 500 Crores of rupees, which would result in heavy financial constraints and consequently drain the financial position of the State.

...

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 counsels 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 MPs thereof, are ordered;"

5. The aforesaid proposition came to be followed by a subsequent decision of this Court in the case of R.Loordu Pappu vs. The Government of Tamil Nadu and others, by its order dated 22.07.2021, passed in W.P.No.4342 of 2018, whereby it was held that in view of the decision of the Hon'ble Full Bench extracted above, the Government Order in G.O.Ms.No.96 dated 17.03.2016 has been redundant and therefore, the Secondary Grade Teachers will be entitled for the benefits of G.O.Ms.No.216, dated 22.03.1993.

6. In view of the decision of the Hon'ble Full Bench referred above, the petitioner herein, who is a similarly placed retired Secondary Grade Teacher, would be entitled for the benefits of G.O.Ms.No.216, dated 22.03.1993.

7. Accordingly, there shall be a direction to the respondents herein to extend the benefit of G.O.Ms.No.216, to the petitioner herein and thereby disburse the arrears of retirement benefits and pension, atleast within a period of eight weeks from the date of receipt of a copy of this order.

8. The writ petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary to the Government,
The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.



2. The Chief Educational Officer,
Vellore, Vellore District.

3. The Principal Accountant General
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai, Chennai - 600 018.

+1cc to M/s.T.Ravikumar, Advocate, S.R.No.35744

W.P.No.19428 of 2016

CP(CO)
SU(31/08/2021)