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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.19853 OF 2021

(THROUGH VIDEO CONFERENCING)

Solomon M Sathyanathan

... Petitioner

.Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Dept.,
St.George Fort, Chennai - 9.
2. The Director,
Adi-Dravidar Welfare Office,
Chepauk, Chennai - 5.
3. The District Adi-Dravidar Welfare Officer,
Vellore & District.
4. The Special Thasildar,
Adi-Dravidar Welfare Office,
Walajapet, Ranipet District.
5. The Head Master,
Adi Dravidar Welfare Girls'
Higher Secondary School,
Arokkonam,
Ranipet District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to re-fix the petitioner's scale of pay at Rs.2000-60-3200 with effect from 1.6.1988 as per G.O.Ms.No.216 dated 22.03.1993 as per the petitioner's representation dated 13.05.2021.

For Petitioner : Mr.M.Thamizhavel

For R1 to R4 : Mr.L.S.M.Hasan Fizal
Government Advocate



O R D E R

This case was listed under the caption 'for clarification' on 09.12.2021 and adjourned to 10.12.2021 (i.e. today) under the same caption. This case was originally dismissed on 17.09.2021. At the time of finalising the order, certain mistakes were noticed and therefore this case was to be listed under the caption 'for clarification'.

2. The dismissal of this case was based on the assumption that the petitioner had earlier filed a writ petition in a batch of Writ Petitions which was decided by the Full Bench of this Court in Review Application No.227 of 2015 etc. batch in W.A.No.352 of 2014 etc. batch vide its order dated 09.12.2016 and therefore, the petitioner could not file a fresh writ petition for the same relief which was covered by the above order. The operative portion of the order dated 09.12.2016 of the Full Bench of this Court reads as under:-

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;



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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.

3. Both the learned counsel for the petitioner and the learned Government Advocate appearing for first to fourth respondents confirmed that the petitioner had not earlier filed a writ petition.

4. Recording the same, the order dated 17.09.2021 dismissing the present Writ Petition is recalled and fresh order is passed.

5. Considering the limited prayer sought for by the petitioner in this Writ Petition, this Writ Petition is disposed, without going into the merits of the case, by directing the second respondent to consider the representation dated 13.05.2021 on merits and in accordance with law, within a period of thirty (30) days from the date of receipt of a copy of this order. No cost.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
School Education Department,
The Government of Tamil Nadu,
St.George Fort, Chennai - 9.
2. The Director,
Adi-Dravidar Welfare Office,
Chepauk, Chennai - 5.
3. The District Adi-Dravidar Welfare Officer,
Vellore & District.
4. The Special Thasildar,
Adi-Dravidar Welfare Office,
Walajapet, Ranipet District.
5. The Head Master,
Adi Dravidar Welfare Girls' Higher Secondary School,
Arokkonam, Ranipet District.

+1cc to the Government Pleader, S.R.No.66217

W.P.No.19853 of 2021

PL(CO)
PM/29/12/2021