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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.19768 OF 2021

(Through Video Conferencing)

T.Angelin Selvarani

...Petitioner

Vs

1. The Government of Tamilnadu,
Rep by its Secretary to Government,
School Education Department,
St.George Fort, Chennai - 9.
2. The Director of School Education,
College Road, Chennai - 34.
3. The Chief Educational Officer,
Vellore, Vellore District.
4. The Head Master,
Government Girl's Higher Secondary School,
Panapakkam, Arakonam,
Vellore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to extent the entire benefits of G.O.Ms.No.216 dated 22.03.1993 by revising petitioner's pay scale as well as pension from 01.06.1988 onwards as per the petitioner's representation dated 05.02.2020.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.L.S.M. Hasan Fizal
Government Advocate



ORDER

This writ petition has been filed to direct the 1st respondent to extend the benefit of G.O.Ms.No.216 Finance (Pay Cell) department, dated 22.03.1993 by revising the petitioner's pay scale as pension from 01.06.1988 as per the petitioner's representation dated 05.02.2020. G.O.Ms.No.216 Finance (Pay Cell) department, dated 22.03.1993 was issued pursuant to an order erstwhile Tamilnadu Administrative Tribunal in O.A.No.1625 of 1991 filed by Tamilnadu Government Office Assistant and Tamilnadu Basic Service Assistant. As per the aforesaid Government order, the government had accepted the order of the Tribunal with the following:-

I.Government accept the direction of the Tribunal that the post of Record clerk is not a regular promotion post for the Office Assistants for the reason that only persons with the prescribed qualification are appointed to the post of Record Clerk by transfer. Accordingly, Government direct that the proviso to para 4 of the Government Order second read above as modified in Government Order fifth read above shall not be applicable to the post of Office Assistants and they shall be allowed Selection/Special Grades as in Annexure-I to the Government Order second read above.

ii.In respect of Secondary Grade Teachers in High Schools there is not promotion post for then as on 28.03.90 (I.e date of issue of the G.O second read above), although there is promotion post in Primary Schools. As a member of uniformity, in respect of all Secondary Grade Teachers, Government direct that the Teachers be made eligible for Selection/Special Grade as in Annexure-I to the G.O second read above.

2.The order of the Tribunal and the consequential Government Order in G.O.Ms.No.216 Finance (Pay Cell) department, dated 22.03.1933 was interpreted by this court in the context of Secondary Grade Teachers and benefit of G.O.Ms.No.216 Finance (Pay Cell) department, dated 22.03.1933 was allowed to Secondary



Grade Teachers who were also not having any promotional avenue.

3.The petitioner had also filed a writ petition earlier in W.P.No.25152 of 2015 for the following relief:

To direct the 1st respondent to re-fix the petitioner's scale of pay at Rs.2000-60-2300-75-3200 with effect from 01.06.1988 as per G.O.Ms.No.216 dated 22.03.1993 as per the petitioner's representation dated 12.05.2015, 07.03.2015, 18.06.2015.

The relief in the present writ petition is also identical and were accepted that the petitioner wants the respondent to re-consider the decision in the light of the petitioner's representation dated 05.02.2020.

4.The learned counsel for the respondent submits that the said writ petition in W.P.No.25152 of 2015 was disposed by its common order dated 09.12.2016 [2017 2 MLJ 257]. The petitioner's case was Item No.2 & 3 in the aforesaid batch which came to be disposed by the Hon'ble Full Bench of this Court.

5.The petitioner's case was Item No.2 and 3 in the aforesaid batch of writ petition which came to be disposed by the Full Bench of this Court with the following observations which 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



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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 scales 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 not 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;

39.With the above directions, all the captioned matters, viz., Writ Appeals, Writ Petitions, Review Applications are disposed of and the Contempt Petitions are closed. There shall be no order as to costs. Consequently, all connected Miscellaneous Petitions are closed.

40.It is brought to be notice of this Court that Writ Appeals in W.A.(MD).Nos.1325 to 1327 of 2016 which were tagged with the present batch of matters inadvertently as they are not pertaining to G.O.Ms.No.216, dated 22.03.1993.



Hence, the Registry is directed to de-link these matters and post the same in regular course.

6. Since the issue has attained finality, this Court is unable to give any relief to the petitioner, even though, the aforesaid decision may affect the petitioner's interest as compared to others who were able to secure a favourable orders from this Court right from 2012.

7. This Writ Petition stands dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(CJ CONF)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary to Government,
The Government of Tamilnadu,
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St.George Fort, Chennai - 9.
2. The Director of School Education,
College Road, Chennai - 34.
3. The Chief Educational Officer,
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Vellore District.

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No.47437

+1cc to the Government Pleader, S.R.No.47863

W.P.No.19768 of 2021

AK(CO)

RLP(10/11/2021)