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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20273 of 2021
(Through Video Conferencing)

J.Natchatiram

...Petitioner

Vs

1. The Government of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
2. The Director of School Education,
College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Chief Educational Office,
Thiruvallur & District.
4. The District Educational Officer,
District Educational Office,
Avadi, Thiruvallur & District.
5. The Head Master,
Municipal High School,
Pattabiram - Chathiram
Chennai - 600 072.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 3rd respondent passed Na.Ka.No.10069/A5/2013 dated 30.07.2021 and quash the same and direct the 1st respondent to re-fix the petitioner's scale of pay at Rs.2000-6-2300-75-3200 with effect from 01.06.1988 as per G.O.Ms.No.216 dated 22.03.1993 in compliance of orders passed in W.P.No.10732/2021 dated 28.04.2021.

For Petitioner : Mr.M.Thamizhavel

For Respondents: Mr.L.S.M.Hasan Fizal
Government Advocate for R1 to R3



ORDER

Mr.L.S.M.Hasan Fizal, learned Government Adocate takes notice on behalf of the 1st to 3rd respondents.

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2.Already similar orders was passed in the light of the decision of the Hon'ble Full Bench of this Court in order dated 09.12.2016 in Rev.Appln.No.227 of 2015 in the case of The Government of Tamil Nadu, Rep by the Secretary and others Vs. G.Eswaran and others 2017 (2) MLJ 257. The Hon'ble Full Bench of this court after considering the case of the persons similarly placed like petitioners had answered the point 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 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 22.03.1993 for the period between 01.06.1988 and 31.2.1995, 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 expire, 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 no fresh Writ Petitions would be entertained on and from 09.12.2016;

(v)The Government is directed to expedite the



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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. In view of the same, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 9.
2. The Director of School Education,
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3. The Chief Educational Officer,
Chief Educational Office,
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5. The Head Master
Municipal High School,
Pattabiram-Chathiram,
Chennai - 600 072

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No.48826

+1cc to the Government Pleader, S.R.No.49484

W.P.No.20273 of 2021

NMI (CO)

RGA(08/12/2021)