



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.4611, 4612, 4614, 4618, 4622 & 4626 of 2021
and W.M.P.(MD) Nos.3711, 3717, 3725 & 3731 of 2021

(Through Video Conference)

S.B.Krishnan	...	Petitioner	in W.P.(MD).4611 of 2021
Anthony.S	...	Petitioner	in WP(MD). 4612 of 2021
Pauliah.N	...	Petitioner	in WP(MD). 4614 of 2021
Arjunan.S	...	Petitioner	in WP(MD). 4618 of 2021
M.E.Subbiah	...	Petitioner	in WP(MD). 4622 of 2021
M.Jegadeesan	...	Petitioner	in WP(MD). 4626 of 2021

Vs.

1. The Director of School Education,
Chennai.
2. The Principal Accountant General
Office of the Principal Accountant
General (A&E), Tamil Nadu
No.361, Anna Salai,
Chennai 600 018
3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Ramanathapuram.
4. The Head Master,
Government Higher Secondary School,
Emaneswaram,
Paramakudi Taluk,
Ramanathapuram District. ... Respondents in WP(MD)4611 of 2021
1. The Director of School Education, Chennai.
2. The Prl.Accountant General Office of the Prl.Accountant,
General (A and E), Tamil Nadu, No.361 Anna Salai,
Chennai - 600 018.
3. The Chief Educational Officer Office of the Chief Educational
Officer, Ramanathapuram.
4. The Head Master Govt.Hr.Sec.School, Emaneswaram, Paramakudi
Tk., Ramanathapuram District

... Respondents in WP(MD). 4612 of 2021

1. The Accountant General Office of the Accountant General
(Accounts and Entitlements) No.361, Anna Salai, Chennai - 600018.



2. The Chief Educational Officer The Office of the Chief Educational Officer , Tirunelveli District.

3. The Head Master Nvc Government Higher Secondary School, Radhapuram, Tirunelveli District , Tirunelveli .

... Respondents in WP(MD). 4614 of 2021

1. The Principal Secretary School Education Department Government of Tamil Nadu Secretariat, Chennai - 600009.

2. The Principal Accountant General, Office of the Principal Accountant General (Accounts and Entitlements) No.361, Anna Salai , Chennai - 600018.

3. The Chief Educational Officer Sivagangai District , Sivagangai.

4. The Head Master Government Higher Secondary School, Maruthupandiar Nagar , Sivagangai , Sivagangai District

... Respondents in WP(MD). 4618 of 2021

1. The Principal Secretary School Education Department Government of Tamil Nadu Secretariat, Chennai - 600009.

2. The Principal Accountant General, Office of the Principal Accountant General (Accounts and Entitlements) No.361, Anna Salai , Chennai - 600018.

3. The Chief Educational Officer Nagercoil, Kanyakumari Dist

4. The Head Master Ssp Government Higher Secondary School, Maruthupandiar Nagar , Edalakudy, Nagercoil, Kanyakumari Dist

... Respondents in WP(MD). 4622 of 2021

1. The Principal Secretary School Education Department Government of Tamil Nadu Secretariat, Chennai - 600009.

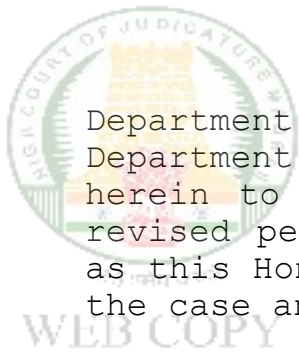
2. The Principal Accountant General, Office of the Principal Accountant General (Accounts and Entitlements) No.361, Anna Salai , Chennai - 600018.

3. The Chief Educational Officer O/o. the Chief Educational Officer Sivagangai.-630 562 ... Respondents in WP(MD). 4626 of 2021

Prayer in WP(MD)4611 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to re-fix the pay of the petitioner from 01.06.1988 as per G.O.Ms.No.69 dated 26.11.2010 and G.O.Ms.No.180 dated 06.09.2013 and consequently direct the respondents herein to pay the arrears of revised pay, arrears of revised pension and to pay revised pension.

Prayer in WP(MD). 4612 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents herein to re-fix the pay of the petitioner from 01-06-1988 as per G.O.Ms.No.69 School Education



Department dated 26-11-2010 and G.O.Ms.No.180 School Education Department dated 06-09-2013 and consequently direct the respondents herein to pay the arrears of revised pay, arrears of pension and revised pension accordingly, and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice

Prayer in WP(MD). 4614 of 2021 :

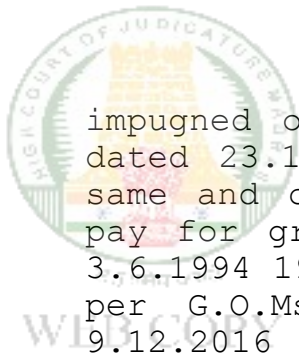
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ , order or direction or any other writ in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent AG (A and E) / PEN/P10 / 11027588/4/R1004111 dated 10/08/2020 quash the same and consequently direct the respondents herein to revise the pay for grant of Selection Grade in the Secondary Grade Tracher on 15/02/1993 on par with pay scale of primary School head Master as per G.O.Ms.No.90 dated 09/05/2018 issued as per common order dated 09/12/2016 issued by the HJonble Full Bench of this Honble Court in Rev.Appln No.176/2015, and Selection Grade in the promotional Post from 15/02/2003 counting past service of petitioner in the lower post of Selection Grade Secondary Teacher, accordingly revise the pay in promotional post of Tamil pandit granting Selection Grade and pay all the arrears in revised pension and continue to pay the revised pension.

Prayer in WP(MD). 4618 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ , order or direction or any other writ in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in no.P10/3/11025890/ADK dated 22/05/2019 quash the same and consequently direct the respondents herein to revise the pay for conferment of Selection Grade in the Secondary Grade Tracher on 09/08/1989 to the petitioner on par with pay scale of primary School Head Master as per final judgment dated 09/12/2016 in Rev.Petn.No.406/2016 etc., passed by the Honb'le Full Bench of this Honble Court in the matter of revision of pay of petitioner implemented by G.O.Ms.No.90 dated 09/05/2018 and conferment of Selection Grade in the promotional post on 09/08/1999, revise the pension accordingly and pay the revised arrears of the pension and pay the revised pension accordingly.

Prayer in WP(MD). 4622 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ , order or direction or any other writ in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the



impugned order of the 2nd respondent in no.P11/1/11124313/ADK/495 dated 23.1.2019 and no. P09/4/10923791/ADK dt 13.9.2019 quash the same and consequently direct the respondents herein to revise the pay for grant of Special Grade in the Secondary Grade Teacher on 3.6.1994 1993 on par with pay scale of primary School Head Master as per G.O.Ms.no.90 dt 9.5. 2018 issued as per common order dt 9.12.2016 issued by the Hon ble Full Bench of this Honble Court in Rev.Appln no. 227/2015 revised pay in the promotional post of Tamil Pandit with conferment of selection grade from 01/09/2005, revise the pension accordingly and pay the revised pension.

Prayer in WP(MD). 4626 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ , order or direction or any other writ in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in no.P10/3/11022930/ADK dated 8.1.2019 quash the same and consequently direct the respondents herein to revise the pay for grant of Selection Grade in the Secondary Grade Teacher on 09/08/1989 on par with pay scale of primary School Head Master as per G.O.Ms.no.90 dt 9.5.2018 issued as per common order dt 9.12.2016 passed by the honble Full Bench of this Honble Court in Rev.Petn no. 227/2015 etc., revise the pension accordingly, pay the arrears of revised pay and revised pension and pass such further or other orders.

For Petitioner : Mr.K.Appadurai
in all cases

For RR 1, 3 & 4 : Mr.A.Thiyagarajan,
Government Advocate
(WP(MD)Nos.4611,4612,4618 and
4622 of 2021)

For R-2 : Mr.P.Gunasekaran
(WP(MD)No.4611,4612,4618 and 4622)

For R-1 :Mr.P.Gunasekaran
(WP(MD)No.4614 of 2021)

For R-2 and R-3 :Mr.A.Thiyagarajan
Government Advocate
(WP(MD)No.4614 of 2021)

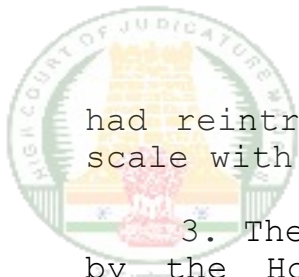
For R-1 and R-3 :Mr.A.Thiyagarajan
(WP(MD)4626 of 2021)

For R-2 :Mr.P.Gunasekaran
(WP(MD)4626 of 2021)

C O M M O N O R D E R

Since the issue involved in all these writ petitions are common in nature, they are disposed of by this common order.

2. In all these writ petitions, the petitioner claims re-fixation of the pay with effect from 01.06.1988. The basis, on which, the petitioner claims re-fixation from 01.06.1988 is in view of the G.O.Ms.No.304 Finance (PC) Department dated 28.03.1990 which



had reintroduced the improved scale of pay on selection / special scale with retrospective effect from 01.06.1988.

3. The claim made by the petitioner has already been dealt with by the Hon'ble Full Bench of this Court in the order, dated 09.12.2016 and the relevant portion of the order 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 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 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;

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."

The aforesaid order is self-explanatory and as such, the petitioner would be entitled for re-fixation of pay with cumulative effect from 01.06.1988 and shall also be eligible for the arrears on and from 01.03.2017.

4. It is brought to the notice of this Court that all the petitioners herein, were also parties to the decision referred by the Hon'ble Full Bench in the case of *Government of Tamil Nadu, School Education Department and others vs.G.Eswaran and others* in Rev.Appln.No.227 of 2015.

5. In the light of the decision rendered by Hon'ble Full Bench and the observations made by this Court, the petitioners herein are entitled to succeed. Accordingly, the concerned respondents are directed to reconsider the petitioner's claims in light of the decision rendered by the Hon'ble Full Bench *Government of Tamil Nadu, School Education Department and others vs.G.Eswaran and others* in Rev.Appln.No.227 of 2015, as extracted above and pass appropriate orders positively, within a period of three months.

6. All the writ petitions stand allowed accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director of School Education,
Chennai.

2. The Principal Accountant General
Office of the Principal Accountant
General (A&E), Tamil Nadu
No.361, Anna Salai, Chennai 600 018.



3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Ramanathapuram.
4. The Head Master,
Government Higher Secondary School,
Emaneswaram,
Paramakudi Taluk,
Ramanathapuram District.
5. The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
6. The Chief Educational Officer,
Sivagangai District, Sivagangai.
7. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tirunelveli District.
8. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
9. The Head Master Nvc Government Higher Secondary School,
Radhapuram, Tirunelveli District , Tirunelveli .
10. The Head Master Government Higher Secondary School,
Maruthupandiar Nagar , Sivagangai , Sivagangai District.
11. The Headmaster, Government Girls Higher Secondary School,
Paramakudi, Ramanathapuram.
12. The Headmaster, SSP Government Higher Secondary School,
Maruthupandiar nagar, Edalakudy, Nagercoil, Kanyakumari District.

+6 CC to M/s.K.APPADURAI, Advocate (SR-10943[F] dated 15/03/2021)

Common Order made in
W.P.(MD) Nos.4611, 4612, 4614, 4618,
4622 & 4626 of 2021

Dated:
12.03.2021

KK(08.07.2021) 7P 19C