



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16716 of 2019

and W.M.P. (MD) No. 13323 of 2019

WEB COPY

R.Santha

... Petitioner

-vs-

1.The Government of Tamil Nadu,

Rep. By the secretary to the Government,
Adi Dravidar & Tribal Welfare Department,
Fort St. George, Chennai-600 009.

2.The Director of Tribal Welfare,
Chepauk, Chennai-600 005.

3.The District Adi Dravidar and Tribal Welfare Officer,
Kanya Kumari District @ Nagarcoil.

4.The Special Tahsildhar,
Adi Dravidar Welfare,
Kalkulam Taluk,
Kanya Kumari District.

5.The Accountant General,
Tamil Nadu, Teynampet, Chennai-600 018

6.The Assistant Accounts Officer,
District Adi Dravidar and Tribal Welfare Office,
Kanya Kumari District Collectrate,
Nagercoil,
Kanya Kumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records of the impugned proceedings issued by the 2nd respondent in Na.Ka.No.PA.ME/E1/2845/2019 dated 19.06.2019 and to quash the same and consequently extend the benefits of G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2015 and G.O.Ms.No.96, Finance (CMPC) Department dated 17.03.2016 with effect from 01.06.1988 and subsequently, refix the pay and pay all consequential monetary benefits and fix the pension of the petitioner within a time frame that may be stipulated by this court.

For Petitioner : Mrs.L.Victoria Gowri

For Respondents : Mr.S.Shanmugavel,

Standing Counsel for State for R1 to R4 & R6
Mr.P.Gunasekaran, for R5



O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 19.06.2019, passed by the second respondent and to direct the respondents to extend the benefits of G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2015 and G.O.Ms.No.96, Finance (CMPC) Department dated 17.03.2016 with effect from 01.06.1988 and subsequently, refix the pay and pay all consequential monetary benefits and fix the pension of the petitioner.

2. The case of the petitioner is that she was appointed as Secondary Grade Teacher on 29.07.1976 in the Adi Dravidar Residential Government Higher Secondary School at Pechiparai. She was awarded with Selection grade on completion of 10 years of her service and thereafter, she was awarded with Special Grade on completion of 20 years of her service. She retired from service on 30.06.2008, on attaining the age of superannuation. The petitioner made representations dated 18.07.2017 and 08.08.2017, seeking to extend the benefits of G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2015 and G.O.Ms.No.96, Finance (CMPC) Department dated 17.03.2016 with effect from 01.06.1988 and subsequently refix the pay and pay all consequential monetary benefits and fix the pension. However, the said request was rejected by the second respondent. Challenging the same, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

4. This issue has been raised in several writ petitions and the said Writ Petitions were dismissed by this Court. As against the same, Writ Appeals have been filed and the said Writ Appeals were disposed of by the Division Bench of this Court. As against the said judgment, the respondents Government have preferred review applications in **Rev.Appln.No.227 of 2015 [The Government of Tamil Nadu, School Education Department, Chennai Vs. G.Eswaran]** and etc., batch and the Full Bench of this Court, by order dated 09.12.2016, disposed of the said Review applications. In the said order, the Hon'ble Full Bench of this Court specifically stated that the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.3.1993 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. In the present case on hand, this Writ Petition has been filed on 25.07.2019.

5. Therefore, in the light of the directions issued by the Full Bench of this Court in the Review Applications, this Writ Petition is liable to be rejected. Accordingly, this Writ Petition



is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

vsm

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 secretary to the Government,
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Nagercoil, Kanya Kumari District.

+1 CC to M/s.GP (SR-27515[F] dated 27/08/2021)

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RD(6.09.2021) 3P 8C

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