



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.1678 of 2014

J.Mohan

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by the Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai.

2.The State of Tamil Nadu,
represented by the Secretary to Government,
Education Department,
Fort St.George, Chennai -9.

3.The Director of School Education,
Higher Secondary,
College Road, Chennai -6.

4.The Chief Educational Officer,
Madurai, Madurai District.

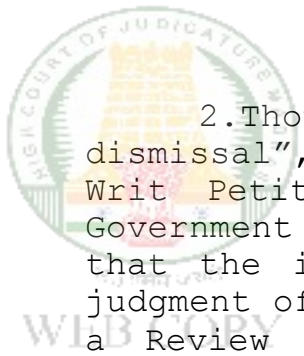
... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and G.O.Ms.No.270, Finance (PC) Department, dated 26.08.2010 in the light of the orders of the Honourable Division Bench of Madras High Court in W.P.No.8747 of 2009, dated 14.07.2009 confirmed by the Honourable Apex Court in C.C.No.2746 of 2010, dated 23.04.2010 immediately to the petitioner.

For Petitioner : No Appearance
For R-1 to R-4 : Mr.M.Linga Durai
Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and G.O.Ms.No.270, Finance (PC) Department, dated 26.08.2010 in the light of the orders of the Honourable Division Bench of Madras High Court in W.P.No.8747 of 2009, dated 14.07.2009, which was also confirmed by the Honourable Supreme Court in C.C.No.2746 of 2010, dated 23.04.2010 immediately to the petitioner.



2. Though the Writ Petition is listed under the caption "for dismissal", there is no representation for the petitioner, when the Writ Petition is taken up for hearing. However, the learned Government Advocate appearing for the respondents fairly submitted that the issues involved in this Writ Petition are covered by a judgment of Honourable Full Bench of this Court, dated 09.12.2016 in a Review Applications in Rev.Apln.No.227 of 2015 between **"The Government of Tamil Nadu and others and G.Eswaran and others"**. The Honourable Full Bench of this Court, while disposing of the Review Application, passed the following order:

"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:

1) 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 scale of pay in terms of G.O.Ms.No.216, dated 22.03.1993 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 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."

3. Accordingly, the Writ Petitioner is also entitled to the relief, as it was given to the similarly placed persons in the above order of Honourable Full Bench of this Court. Accordingly, the Government is directed to implement the G.O.Ms.No.216, dated 22.03.1993 for the period between 01.06.1988 and 31.12.1995 on and from 01.03.2017 onwards. The Government shall calculate and revise the pension and family pension based on the revised scale of pay in terms of G.O.Ms.No.216, dated 22.03.1993 on and from 01.03.2017. The petitioner is not entitled to arrears of revised scale of pay. Due to COVID-19 pandemic situation, the Government is directed to commence the process of calculation and fixation of pension and family pension, as the case may be, and disburse the amount within a period of five years from the date of receipt of a copy of this order.

4. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George, Chennai.

2. The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Fort St. George, Chennai -9.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Director of School Education,
Higher Secondary, College Road, Chennai -6.

4.The Chief Educational Officer,
Madurai, Madurai District.

W.P. (MD) No.1678 of 2014

23.08.2021

MGJ(02.09.2021) 4P 5C