



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)Nos.19162 to 19165 of 2016

AL.S.Kasivisvanathan	...Petitioner in W.P. (MD) .No.19162 of 2016
P.L.Subbaiah	...Petitioner in W.P. (MD) .No.19163 of 2016
S.Raghavendran	...Petitioner in W.P. (MD) .No.19164 of 2016
V.Thangaraj	...Petitioner in W.P. (MD) .No.19165 of 2016

Vs.

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

2.The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai.

3.The Director of School Education (Higher Secondary),
College Road,
Chennai 600 006.

4.The Chief Educational Officer,
Pudukottai District.

... Respondents in all W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993, in the light of the orders passed by the Division Bench of this Court in W.P.(MD) No.8747 of 2009, dated 14.07.2009, confirmed by the Hon'ble Apex Court in C.C.No.2746 of 2010 dated 23.04.2010 and in the light of G.O.Ms.No.258, Education (M1) Department, dated 06.09.2010 and accordingly, to award selection / special grade scale of pay with effect from 01.06.1988 and to pay revision of pensionary benefits and arrears to the petitioners, on the basis of the petitioner's representation, dated 25.09.2015.

In all Wps:

For Petitioners	: Mr.P.Ganapathi Subramanian
For Respondents	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader



C O M M O N O R D E R

Since the issue involved in these writ petitions is one and the same, these writ petitions are taken up together and disposed of by this common order.

2. These writ petitions have been filed for a direction to the respondents to extend the benefits of G.O.(Ms.)No.216, Finance (PC) Department, dated 22.03.1993, in the light of the order passed by the Division Bench of this Court in W.P.(MD) No.8747 of 2009, dated 14.07.2009, confirmed by the Hon'ble Apex Court in C.C.No.2746 of 2010, dated 23.04.2010 and in the light of G.O.(Ms.)No.258, Education (M1) Department, dated 06.09.2010 and to award selection / special grade scale of pay with effect from 01.06.1988 and to pay revision of pensionary benefits and arrears to the petitioners, on the basis of the petitioners' representation, dated 25.09.2015.

3. The case of the petitioners is that the petitioners were appointed as Secondary Grade Teacher and retired from service as Secondary Grade Teacher. On completion of ten years and twenty years of service, they were awarded Selection Grade and Special Grade. Thereafter, the Government has issued G.O.(Ms.)No.216, Finance (Pay Cell) Department, dated 22.03.1993 and various Government Orders, granting benefits to the retired employees, by revising the pension. Thus, the petitioners are entitled to have the benefit of G.O.(Ms.) No.216, dated 22.03.1993 and in order to avail such a benefit, the petitioners have made a representation to the respondents on 25.09.2015. However, till date the said representation was not considered. Hence, the petitioners have filed the present writ petitions with the aforesaid prayer.

4. The learned counsel appearing for the petitioners would submit that during the pendency of the writ petitions, the issue was resolved by the Full Bench of this Court in the case of **Government of Tamil Nadu vs. G.Eswaran** reported in 2017 (2) MLJ (FB). Hence, this Court may issue a direction to the respondents to extend the benefits to the petitioners.

5. The learned Additional Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

6. Considering the fact that the issue was already settled by the Full Bench of this Court in the case of **Government of Tamil Nadu vs. G.Eswaran** reported in 2017 (2) MLJ (FB), this Court directs the respondents to consider the petitioners' representation, dated 25.09.2015 and if the decision referred above is applicable to the petitioners, the same benefits shall be extended to the petitioners, within a reasonable time.



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7. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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

2.The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai.

3.The Director of School Education (Higher Secondary),
College Road,
Chennai 600 006.

4.The Chief Educational Officer,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-7888[F] dated 01/03/2021)

W.P. (MD) Nos.19162 to 19165 of 2016

26.02.2021

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AM/29/04/2021/3P/6C