



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.24205 of 2016

1.N.Gowri
2.B.Prema
3.M.Savithiri
4.V.Ponnammal

... Petitioners

Vs.

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

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

3.The Director of School Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Trichy District.

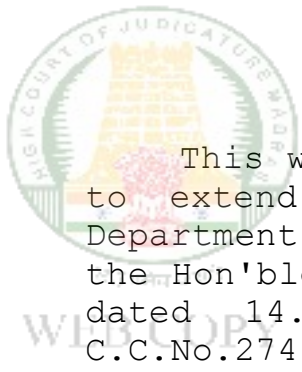
... Respondents

Prayer: Writ Petition is 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 (Pay Cell) Department, dated 22.03.1993 in the light of the orders passed by the Hon'ble 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 01.06.1998 and to pay revision of pensionary benefits and arrears to the petitioners on the basis of the petitioner's representation dated 20.09.2016.

For Petitioners : Mr.P.Ganapathi Subramanian

For Respondents : Mr.A.Karthik

Government Advocate



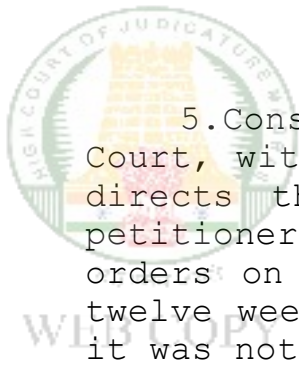
O R D E R

This writ petition is filed for a direction to the respondents to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, in the light of the orders passed by the Hon'ble 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 01.06.1998 and to pay revision of pensionary benefits and arrears to the petitioners on the basis of the petitioners' representation dated 20.09.2016.

2.The case of the petitioners is that the first petitioner was appointed as Secondary Grade Teacher in the Government Higher Secondary School, in the year 1985 and she was retired from service as Secondary Grade Teacher, B.T Higher Secondary School on 31.05.2013. The second petitioner had been appointed as Secondary Grade Teacher at L.N.P Girls' Higher Secondary School, on 30.09.2012. The third respondent had been appointed as Secondary Grade Teacher at L.N.P Girls' Higher Secondary School on 19.01.1981. The fourth petitioner had been appointed as Secondary Grade Teacher at Government Higher Secondary School, on 13.08.1982 and she was retired from service as Tamil Pandit on 30.09.2012. After retirement, the petitioners came to know that the similarly retired teachers entitled the benefits under G.O.Ms.No.216, dated 22.03.1993 and subsequently, the Government also passed G.O.Ms.No.258, Education (M1) Department, dated 06.09.2010 thereby revising the pension benefits for the similarly placed persons like that of the petitioners. In order to avail such benefits, the petitioners have made a representation on 20.09.2016 to the respondents. Till date, the respondents have not taken any action. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioners submitted that the very same issue came for consideration before the Division Bench of this Court and extend the benefits to the retired teachers and the said order was confirmed by the Hon'ble Apex Court. Further, the learned counsel submitted that this Court may issue a direction to the respondents to consider the petitioners' representation dated 20.09.2016, within the time stipulated by this Court.

4. The learned Government Advocate appearing for the respondents submitted that the petitioners' representation dated 20.09.2016 will be considered within the reasonable time as fixed by this Court.



5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the first and the second respondents to consider the petitioners' representation, dated 20.09.2016 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, if it was not considered already.

6.With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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

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

3.The Director of School Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Trichy District.

+4 CC to MR.P.GANAPATHI SUBRAMANIAN, Advocate (SR-8169[F] dated 02/03/2021)

+1 CC to SPL GP (SR-8426[F] dated 03/03/2021)

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02.03.2021

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