



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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Writ Petition (MD)No.10132 of 2017

S.Manuel

... Petitioner

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai 600 009.
- 2.The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Chennai 600 009.
- 3.The Director of School Education,
Chennai.
- 4.The Chief Educational Officer,
Sivagangai District.
- 5.The Headmaster,
Government Higher Secondary School,
Maravamangalam,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to extend the benefit of revised pay scale to the petitioner in the post of Secondary Grade Teacher in terms of G.O. (Ms).No.216, Finance (Pay Cell) Department, dated 22.03.1993 and G.O.(Ms).No.69, School Education (Ml) Department, dated 18.04.2013, in the light of the orders of the Division Bench in W.A.Nos.1943 of 2012 etc., dated 05.09.2012, confirmed by the Hon'ble Supreme Court in SLP (C) C.C.No.2680 of 2013, dated 28.01.2013 and G.O.(Ms).No.62, Finance (CMPC) Department, dated 09.03.2015 and accordingly, disburse the arrears of revised pay on Special Grade with effect from 01.06.1998 and revised pensionary benefits and pay arrears accrued to the petitioner's service.



For Petitioner
For R1 to R4

: Mr.K.Appadurai
: Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

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This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to extend the benefit of revised pay scale to the petitioner, in the post of Secondary Grade Teacher, in terms of G.O.(Ms).No.216, Finance (Pay Cell) Department, dated 22.03.1993 and G.O.(Ms).No.69, School Education (M1) Department, dated 18.04.2013, in the light of the orders of the Division Bench in W.A.Nos.1943 of 2012 etc., dated 05.09.2012, confirmed by the Hon'ble Supreme Court in SLP (C) C.C.No.2680 of 2013, dated 28.01.2013 and G.O.(Ms).No.62, Finance (CMP) Department, dated 09.03.2015 and accordingly, disburse the arrears of revised pay on Special Grade with effect from 01.06.1998 and revised pensionary benefits and pay arrears accrued to the petitioner's service.

2. The case of the petitioner is that he was appointed as Secondary Grade Teacher in the year 1972 and he was given Selection Grade on 30.06.1982 and Special Grade on 01.07.1992 and subsequently, he was promoted as B.T. Assistant (History) on 24.07.1996. Thereafter, the petitioner retired from service on 30.09.2001. The first respondent issued G.O.(Ms).No.216, dated 22.03.1993, in view of the fact that all Secondary Teachers working in the High Schools have no promotional avenue and as a measure of uniformity in respect of all Secondary Grade Teachers, the Government directed that all the Teachers be made eligible for selection / special grades with uniform revision of pay scale accordingly. In order to avail such a benefit, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that some of the teachers were denied the above said benefit and they have approached this Court and this Court has granted the relief to them. Hence, he prayed for extending the benefit of G.O.(Ms).No.216, dated 22.03.1993, to the petitioner also, within a specified period as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the issue involved in the present writ petition is no longer *res integra*. The Hon'ble Apex Court, in the case of **Government of Tamil Nadu v. G.Eswaran** reported in **(2017) 2 MLJ 257 (FB)**, has categorically held that the benefit of G.O.(Ms).No.216, dated 22.03.1993, 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. He would further submit that though the petitioner retired from service in the year 2001, he filed the present writ petition only in the year 2017. Hence, this



writ petition is not maintainable.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

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6. The facts in the present case are not in dispute. The petitioner was appointed as Secondary Grade Teacher in the year 1972 and he was given Selection Grade and Special Grade and subsequently, he was promoted as B.T. Assistant (History) in the year 1996. Thereafter, he was retired from service on 30.09.2001. After retirement, in the year 2017, the petitioner has filed the present writ petition with the aforesaid prayer. However, a perusal of the above cited decision makes it clear that the benefit of G.O.(Ms). No.216, dated 22.03.1993 shall be extended to the parties, who were before this Court alone and no fresh writ petitions would be entertained on and from 09.12.2016.

7. In view of the above, this Writ Petition is not maintainable. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Government,
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School Education Department,
Fort St. George,
Chennai 600 009.

2.The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Chennai 600 009.

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



3.The Director of School Education,
Chennai.

4.The Chief Educational Officer,
Sivagangai District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-10944[F] dated 15/03/2021)

+1 CC to M/s.SPL GP (SR-11174[F] dated 15/03/2021)

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KB(24.06.2021) 4P 7C