



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4175 OF 2022

1.A.Neelambal
2.Arul Dharmaraj
3.N.Palanisamy
4.G.Sivanandham
5.C.C.Ravichandran

... Petitioners

vs.

1. The Government of Tamilnadu,
Rep by the Secretary,
School Education Department,
Fort St. George, Chennai 600 009.

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

3. The Chief Educational Officer,
Coimbatore, Coimbatore District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 in the light of the orders of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Hon'ble Supreme Court of India in C.C.No.2746 of 2010 dated 23.04.2010 and accordingly award Selection/Special Grade Scale of pay with effect from 01.06.1988 and revision of pensioner benefits and pay arrears immediately to the petitioners as per the representation of the petitioner dated 06.03.2021.



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For Petitioners : Mr.Gopalakrishnan for
Mr.B.Kumarasamy

For Respondents : Mr.V.Nanmaran,
Addl. Govt. Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 and accordingly award Selection/Special Grade Scale of pay with effect from 01.06.1988 and pay arrears immediately to the petitioners as per the representation of the petitioners dated 06.03.2021.

2. The case of the petitioners in brief:

The petitioners were appointed as Secondary Grade Teachers and P.T. Teachers, Drawing Masters, Agri Instructor, Music Teacher and etc. in the High School/Higher Secondary Schools. On completion of 10/20 years, they were awarded Selection/Special Grade scale pay. They retired from service on superannuation during the year 1999 to 2011. As per G.O.Ms.No.216, dated 22.03.1993, the secondary Grade Teachers under High School are also eligible for the increased Selection Grade/Special Grade scale of pay with effect from 01.06.1988, as specified in Annexure-I to the G.O.Ms.No.304 dated 28.03.1900.

2.1. The similarly placed persons had approached the State Administrative Tribunal by filing O.A.No.7908 and 8276 of 1997, wherein, the Tribunal has allowed the application, in terms of the G.O.Ms.No.216. The respondents filed appeal in W.P.No.8747 of 2009 and the same was dismissed by a Division Bench of this Court. Again the respondents filed Special Leave petition before the Supreme Court of India, which was also dismissed on 23.04.2010. Hence, the petitioner prayed to direct the respondent to extend the benefit of G.O.Ms.No.216 to the petitioners.

3. The learned Additional Government Pleader submitted that, with regard to the similar issues, various writ petitions in W.P.No.4505 of 2012 etc. batch filed and this court has rejected the claim of the petitioners on 18.11.2013. Challenging the above orders, the petitioners therein filed Writ Appeal and it was allowed by a Division Bench of this court on 04.02.2015. The Government had preferred a Review applications in Rev.Appln No.227 of 2015 etc. batch and the Full Bench of this Court had passed order on 09.12.2016, wherein it is clarified that no fresh writ petitions would be entertained on and from



09.12.2016. Following the above order, the Government had also issued G.O.(Ms.)No.90 dated 09.05.2018 and hence, the present writ petition cannot be entertained. He has also placed the above said Government Order.

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4. The operative portion of the Rev.Appln.No.227 of 2015 etc. batch reads as follows.

" 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 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 G.O., for which the learned Advocate General and the learned counsels appearing for the Teachers fairly acceded to the same. Accordingly, we pass the following:-

i) The Government is directed to implement the G.O.(Ms) No.216, dated 22.03.1993 for the period between 01.06.1988 and 31.12.195 on and from 01.03.2017 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 Headmaster.

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 scales of pay in terms of G.O.Ms.No.216, dated 22.03.1993 payable on and from 01.03.2017.

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) ...

vi) ...



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5. In view of the specific direction of the Full Bench of this court as stated supra, no fresh writ petitions would be entertained with regard to the implementation of G.O.Ms.No.216 on and from 09.12.2016 and hence, this writ petition cannot be entertained. Therefore, though this court is inclined to impose costs, taking into account the fact that the petitioners being the aged persons, not ordered costs.

6. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education
(Higher Secondary),
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
4. The Chief Educational Officer,
Tiruppur, Tiruppur District.

+1cc to M/s.B.Kumarasamy, Advocate, S.R.No.13526

+1cc to the Government Pleader, S.R.No.13788

W.P.No.4175 of 2022

PMK(CO)
RLP(22/03/2022)