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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8418 of 2022

T.Ranganathan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 9.
2. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.
3. The District Educational Officer,
Vellore,
Vellore District.
4. The Chief Educational Officer,
Vellore, Vellore District.
5. The Head Master,
Govt. Boys Higher Secondary
School, Anaicut & Tk,
Vellore District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the 1st respondent to re-fix the petitioner's scale of pay at Rs.2000-60-2300-75-3200 with effect from 01.06.1988 as per G.O.Ms.No.216 dated 22.03.1993 as per the petitioner's representations dated 11.10.2019.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.V.Manoharan
Additional Government Pleader



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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2. The case of the petitioner in brief:

The petitioner was initially appointed as Drawing Master at Government High School, Kumbinipettai, Vellore. While he was working as Tamil Teacher in Government Boys Higher Secondary School, Anaicut, Vellore District, he retired from service on 30.06.2007 due to superannuation. The petitioner has rendered service only in Secondary Grade post and he was worked as Tamil Teacher for a period of 19 years and he was not eligible for promotion in the Higher Secondary Schools. If he was working in the Primary Schools, he would be eligible for promotion. As per G.O Ms No.216 dated 22.03.1993, the petitioner is eligible for revised scale of pay by refixing scale of pay Rs.2600-60-2300-75-3200 with effect from 1.6.1988 and the petitioner was retired from service without any promotional opportunities and without any monetary benefits as per the said G.O. The similar persons have already benefited as per the said G.O. Now only, the petitioner came to know that similar matter has been filed by one N.Govindarajan in O.A No.8276 of 1997 on the file of the Tamil Nadu Administrative Tribunal and he obtained an order in his favour for refixation of pay scale as per the said G.O. Therefore, the petitioner sent a representation dated 11.10.2019 to the 1st respondent, but the same was not considered till date. Hence the petitioner has filed this writ petition before this Court.

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.

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



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" 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) ...

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.

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

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
School Education Department,
Fort St.George,
Chennai - 9.
2. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.
3. The District Educational Officer,
Vellore,
Vellore District.
4. The Chief Educational Officer,
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5. The Headmaster,
Government Boys Hr.Sec.School,
Anaicut & Taluk,
Vellore District.

+1cc to Mr.Thamizhavel, Advocate, S.R.No.23484

+1cc to the Government Pleader, S.R.No.23844

W.P.No.8418 of 2022

MG (CO)
SU(29/04/2022)