



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.30021, 30022 & 30023 of 2017
and W.M.P. Nos.32553, 32554 & 32555 of 2017

W.P.No.30021 of 2017

A.Murugavel

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam, Chennai – 6.
- 3.The Chief Educational Officer,
Salem, Salem District.
- 4.The Head Master,
Government Boys Higher Secondary School,
Aathur, Aathur Taluk,
Salem District – 636 102.



5. The Accounts Officer (Pension)

The Office of the Principal Accountant General,

(Accounts and Entitlements)

361, Anna Salai, Chennai – 600 018, Tamil Nadu.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of PENSION9/1/10912064/REV/2014-15/MISC/ADK dated 24.03.2015 of the 5th respondent herein and quash the same and to direct the 5th respondent to sanction the Revised pension Proposals of the petitioner sent by the 4th respondent in his proceeding Na.Ka.No.138/A1/2014 dated 26.12.2014 in pursuance of the order of the Court in W.P.No.10964 of 2013 Judgement dated 16.05.2013.

W.P.No.30022 of 2017

S.Muthukumarasamy

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of School Education,
College Road, Nungambakkam, Chennai – 6.



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

4. The Head Master,
Government Boys Higher Secondary School,
Bhuvanagiri,
Cuddalore District – 608 601.

5. The Accounts Officer (Pension)
The Office of the Principal Accountant General,
(Accounts and Entitlements)
361, Anna Salai, Chennai – 600 018, Tamil Nadu.

Respondents

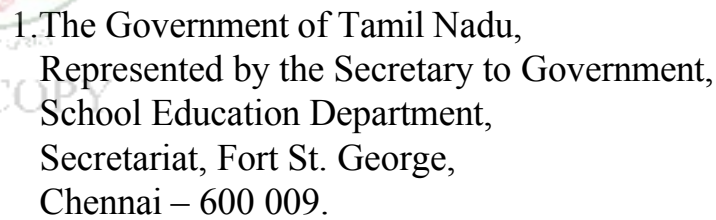
Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of Pen11/IV/ADK/11115227/14-15/581 dated 13.02.2015 of the 5th respondent herein and quash the same and to direct the 5th respondent to sanction the Revised pension Proposals of the petitioner sent by the 4th respondent in his proceeding Na.Ka.No.159/2014 dated 16.10.2014 in pursuance of the order of the Court in W.P.No.14453 of 2013 order dated 17.05.2013.

W.P.No.30023 of 2017

V.Valayapathy

...Petitioner

Vs.



2.The Director of School Education,
College Road, Nungambakkam, Chennai – 6.

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

4. The Head Master,
Government Girls Higher Secondary School,
Pennadam,
Cuddalore District – 608 105.

5. The Accounts Officer (Pension)
The Office of the Principal Accountant General,
(Accounts and Entitlements)
361, Anna Salai, Chennai – 600 018, Tamil Nadu.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of Pen11/III/ADK/11114165/14-15/Rn/ADK365 dated 03.11.2014 of the 5th respondent herein and quash the same and to direct the 5th respondent to sanction the Revised pension Proposals of the petitioner sent by the 4th respondent in his proceeding RC.No...../2014 dated05.2014 in pursuance of the order of the Court in W.P.No.16097 of 2012 Judgment dated 25.06.2012.



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For Petitioner
in all W.Ps

: Mr.K.Thennan

For Respondents
in all W.Ps

: Mr.M.S.Premkumar
Government Advocate for R1 to R4

No Appearance for R5

ORDER

The learned counsel for the petitioners made a submission that the petitioners have already received the benefits based on the Government Order issued in G.O.Ms.No.216. However, the revised pension proposal submitted in this regard was not considered with reference to the Full Bench judgment of this Court.

2.The learned Government Advocate appearing on behalf of the respondents made a submission that based on the Full Bench judgment and pursuant to the benefits granted to the petitioner under G.O.Ms.No.216, revised pension benefits are granted in G.O.Ms.No.90, School Education Department, dated 09.05.2018. At the outset, it is contended that the grievances of the writ



petitioners were already considered and redressed. In this regard, the Government Order issued in G.O.Ms.No.90, School Education Department, dated 09.05.2018 referred the Full Bench decision, which reads as under:

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

- i. The Government is directed to implement the G.O.Ms.No.216, dated 22.3.1993 for the period between 1.6.1988 and 31.12.1995, on and from 1.3.2017 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 Headmasters;*



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- 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 22.3.1993 payable on and from 1.3.2017;*
- 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 and no fresh Writ Petitions would be entertained on and from 09.12.2016;*
- v. *The Government is directed to expedite the process of calculating and fixing the revised pension and family pension and we do hope that the Government will complete the same as early as possible without making any further delay;*
- vi. *All the matters which are at SR stage and listed before this Court are also ordered and disposed of by this common order and consequently, connected MPs thereof, are ordered;*



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3.Regarding the revision of scale of pay pursuant to the Full Bench judgment, the respondents are directed to verify the correctness and accordingly, take appropriate decision, as expeditiously as possible. In the event, any error or otherwise in revision of pension, the same shall be corrected in accordance with the pay rules and Government Orders in force.

4.Accordingly, these writ petitions stand disposed of. No Costs.
Consequently, connected miscellaneous petitions are closed.

14.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1.The Secretary to Government,
Government of Tamil Nadu
School Education Department,
Secretariat, Fort St. George, Chennai – 600 009.



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2. The Director of School Education,
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S.M.SUBRAMANIAM, J.

SSR

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