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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.32780 OF 2017

K.Ramadoss

... Petitioner

.Vs.

1. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 034.
2. The Chief Educational Officer,
Tirupur District.
3. The District Educational Officer,
Tirupur, Tirupur District.
4. The Secretary,
Sri Venkata Krishna High School,
Kaniyur, Tirupur District.

... Respondents

PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to extend the benefit of G.O. 181, School Education dated 06.09.2013 by awarding the Selection Grade/Special Grade Elementary School Headmaster pay to the Petitioner with effect from 01.06.1988 and revision of pensionary benefits and pay arrears.

For Petitioner : Mrs.C.Sriranjani

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader
(for R1 to R3)



O R D E R

Heard Mrs.C.Sriranjani, Learned Counsel for the Petitioner and Mr.P.Balathandayutham, Learned Special Government Pleader appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who had retired from service as Special Grade Physical Education Teacher in the school of the Fourth Respondent, has filed this Writ Petition seeking for a direction to the First Respondent to extend the benefit of G.O. (Ms) No. 181, School Education [SE3(1)] Department dated 06.09.2013 by awarding Selection Grade/Special Grade Elementary School Headmaster pay to the Petitioner with effect from 01.06.1988 and pay revised pensionary benefits and arrears. The said Governmental Order is in essence of implementation of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 issued by the Government of Tamil Nadu.

3. After taking into account the divergence of judicial opinion on the entitlement to the benefits of G.O. Ms. No. 216 dated 22.03.1993 issued by the Government of Tamil Nadu, the Full Bench of this Court in Government of Tamil Nadu -vs- G.Eswaran [(2017) 2 MLJ 257] has held 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 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;"

It is evident from the aforesaid decision of the Full Bench of this Court that though benefit under the relevant Governmental Order had been extended to all the persons whose Writ Petitions were pending as on that date, it has been made clear in clause (iv) that no fresh Writ Petitions shall be entertained on and from 09.12.2016. Since the Petitioner has filed this Writ Petition only on 30.11.2017, which is apparently after that date, he would not be entitled to the benefits claimed in the Writ Petition.

4. In fine, this Writ Petition, which cannot be entertained, is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



vjt

To

1. The Director of School Education,
College Road,
Nungamabakkam,
Chennai - 600 034.
2. The Chief Educational Officer,
Tirupur District.
3. The District Educational Officer,
Tirupur, Tirupur District.
4. The Secretary,
Sri Venkata Krishna High School,
Kaniyur, Tirupur District.

+1cc to the Government Pleader, S.R.No.38565

W.P.NO.32780 OF 2017

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PBS/07/07/2022