



W.P.(MD)No.4428 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.4428 of 2020
and
W.M.P.(MD)No.3717 of 2020**

N.P.Thangasamy

... Petitioner

Vs.

1. The Secretary,
Department of School Education,
Secretariat, Chennai – 600 009.
2. The Director,
Directorate of School Education,
College, Chennai – 600 006.
3. The Chief Educational Officer,
Chief Educational Office,
Tirunelveli District, Tirunelveli.
4. The Headmaster,
G.A.Government Higher School,
Sankarankoil – 627 756
Tenkasi District.
Formerly Tirunelveli District.



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5. The Branch Officer,
Office of the Principal Accountant General (A & E),
Tamilnadu No.361, Anna Salai,
Chennai – 600 018.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 5th respondent in his proceedings No.P11/1/11124903/ADK dated 08.04.2019 and quash the same as illegal and arbitrary and consequently to direct the 5th respondent to extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.02.1993 by awarding special selection grade scale of pay equivalent to Primary School Headmaster with effect from 01.06.1988 by revising family pension benefits of Late.Tmt.A.Vasanthakumari (Secondary Grade Teacher) and to pay the same to the petitioner's husband herein who is a nominee and legal heir on record, in the light of batch order passed in Review petition No.227 of 2015 dated 09.12.2016 inclusive of petitioner's writ petition W.P(MD)No.16378 of 2015 and consequential order passed by the 1st respondent in G.O.(Ms)No.90 School Department (1)f.3(1) Dt. 09.05.2018 and on the family pension proposal forwarded by the 4th respondent's school in proceeding R.C.No.117/A2/2018 dated 26.09.2018 within a stipulated time.



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For Petitioners : Mr. M.Sathiamoorthy
For Respondents : Mr. S.Shaji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 5th respondent dated 08.04.2019 and to quash the same and consequently direct the 5th respondent to extend the benefits of G.O.Ms.No. 216 Finance (PC) Department dated 22.02.1993, by awarding special selection grade scale of pay equivalent to Primary School Headmaster with effect from 01.06.1988, by revising family pension benefits of Late.Tmt.A.Vasanthakumari (Secondary Grade Teacher) and to pay the same to the petitioner's husband, who is a nominee and legal heir on record, in the light of batch order passed in Review Petition No.227 of 2015, dated 09.12.2016, inclusive of petitioner's writ petition in W.P.(MD)No.16378 of 2015 and consequential order passed by the 1st respondent in G.O.(Ms)No. 90 School Department (1)f.3(1) Dt. 09.05.2018 and on the family pension proposal forwarded by the 4th respondent's school in proceeding dated 26.09.2018 within a stipulated time.



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2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the present impugned order is passed contrary to the decision rendered by the Full Bench of this Court in Review Petition No.227 of 2015 and W.P.(MD).No.16378 of 2015 and in view of the above, this Court may grant liberty to the petitioner to file a Contempt Petition before the Full Bench of this Court.

3. Recording the same, this Writ Petition is dismissed with liberty to the petitioner to work out the remedy, in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.12.2022

NCC:Yes/No

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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