



W.P.No.25673 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P.No.25673 of 2011
and
M.P.No.1 of 2011**

1. A.P.Aravazhi
2. N.Sundara Doss
3. V.S.Chinnakulandai
4. R.Subas Chandra Bose
5. S.Thirupathiraj
6. U.Krishnan
7. M.Vedanayagam
8. J.Francis
9. E.V.Adikesavan
10. P.Krishnaswamy

...Petitioners

Vs

1. The Government of Tamil Nadu
Rep. by Secretary to the Government



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School Educational Department
Fort St.George
Chennai-600 009.

2. The Government of Tamil Nadu
Rep. by its Secretary
Finance Department
Fort St.George
Chennai-600 009.
3. The Director of School Education
College Road
Chennai-600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first and third respondent in relation to letter No.25103/A1/09-2 dated 21.01.2010 and proceedings Na.Ka.No.82853/C1/C2/09 dated 25.02.2010 respectively and quash the same and issue a consequential direction to the respondents to extend the benefit of G.O.Ms.No.1581, Education Department, dated 06.11.1989 to the petitioners as well, in the way and manner as implemented as in the case "A" wing teachers and to grant arrears of pay and pension.

For Petitioners	:	Mr.R.Saseetharan
For Respondents	:	Mr.T.K.Saravanan
		Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus challenging a letter dated 21.01.2010 bearing reference



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No.25103/A1/09-2 and proceedings dated 25.02.2010 bearing reference Na.Ka.No.82853/C1/C2/09 respectively passed by the first and third respondents and issue a consequential direction to the respondents to extend the benefit of G.O.Ms.No.1581, Education Department, dated 06.11.1989 to the petitioners as well, in the way and manner as implemented as in the case "A" wing teachers and to grant arrears of pay and pension.

2. The learned counsel for the petitioners would fairly concede that the identical prayers in similar writ petitions filed by similarly placed employees were dismissed. As against the same, W.A.No.1214 of 2014 etc., were filed by similarly placed employees and the writ appeals were also dismissed. Aggrieved by the same, similarly placed employees i.e., P.R.Rengasamy and others have filed SLP(C) D.No.12761 of 2020 before the Hon'ble Supreme Court of India and the matter is pending. Therefore, he would submit that this case should await the result of SLP.

3. Per contra, learned Government Advocate appearing on behalf of the respondents would submit that when this Court has already decided



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the matter, there is no necessity to keep the matter pending, especially, when there is no interim order in the SLP.

4. I have considered the rival submissions made on either side and perused the records available in the case file.

5. Admittedly, the same relief has been rejected by this Court and confirmed by Hon'ble Division Bench. As on date, there is no interim order prohibiting the hearing of the present writ petition. This writ petition is of the year 2011 and need not be kept unnecessarily pending. Therefore, this writ petition can be disposed of in terms of the order passed in the earlier writ petition but however, if any order is passed in favour of said P.R.Rengasamy and others, the respondents can always review the case of the petitioners and grant necessary relief upon the representation of the petitioners.

6. In view of the above, this Writ Petition is disposed of on the following terms :

(i) The prayer in the writ petition shall stand



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dismissed in terms of the judgment of this Court dated 19.08.2019 in W.A.No.1214 of 2014 etc.,;

(ii) In the event, SLP(C) D.No.12761 of 2020 is allowed and any relief is granted in favour of the petitioners therein i.e., P.R.Rengasamy and others, it is open for the writ petitioners to make a representation before the respondents and upon the receipt of the said representation along with the order of Hon'ble Supreme Court, it would be incumbent upon the respondents to reconsider the case of the petitioners in terms of the order of the Hon'ble Supreme Court.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

27.11.2023

Index:Yes
Speaking order
Neutral Citation : Yes

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D.BHARATHA CHAKRAVARTHY.J.,

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To

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