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Writ Appeal No.1002 of 2016

For appellants ... Mr.L.S.M.Hasam Fizal
Additional Government Pleader

For respondent ... No appearance

J U D G M E N T

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

This Writ Appeal has been filed against the order, dated 13/7/2012, passed in W.P.No.17916 of 2012.

2. Heard Mr.L.S.M.Hasam Fizal, learned Additional Government Pleader for the appellants. There is no representation on behalf of the respondent.

3. Today, when the matter is taken up for hearing, Mr.L.S.M.Hazam Fizal, learned Additional Government Pleader produced a copy of the order, dated 9/12/2016, made in Rev.Application No.227 of 2015, etc., batch, wherein, at paragraph No.38, a Hon'ble Full Bench of this Court has ordered thus:-

“38. 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 56 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 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;

ii) Consequently, the Government shall calculate and revise the pension of those who retired from service and revise the family pension in



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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 57 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) 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;

4. In the present case, writ petition has been filed before 9/12/2016 and therefore, the benefit granted by the Full Bench judgment passed by this Court, is squarely applicable.



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5. Accordingly, this writ appeal is disposed of, directing the respondent to make an application to the Educational authority, within a period of two weeks, from the date of receipt of a copy of this order and on receipt of the same, the appellants are directed to settle the revised pensionary benefits in the light of the order passed in R.A.No.227 of 2015 dated 9/12/2016, within a period of twelve weeks from the date of receipt of the application. No costs. Consequently, the connected Miscellaneous Petition is closed.

(D.K.K.,J) (K.G.T.,J)
5th April, 2023

mvs.

Index: Yes/No

Neutral Citation: Yes/No



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D.KRISHNAKUMAR,J

A N D

K.GOVINDARAJAN THILAKAVADI,J

mvs.

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5/4/2023