



WEB COPY



W.A.No.212 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No.212 of 2016 and

CMP No. 3125 of 2016

1. The State of Tamilnadu,
rep. by the Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai 600 009.

2. The State of Tamilnadu,
rep. by the Secretary to Government,
Education Department,
Fort St. George, Chennai 600 009

3. The Director of School Education
(Higher Seconary), College Road,
Nungambakkam, Chennai 600 006.

4. The District Educational Officer,
Perambalur, Perambalur District.

... Appellants

Vs.

R.Thangavel, Teacher (retd)
Pillaiyar Koil Streetl, Ogalur Post,
Kunnam Tk, Perambalur District 621 108.

... Respondent



W.A.No.212 of 2016

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P.No.9875 of 2012 dated 12.04.2012 on the file of this Court.

For Appellants : Mr.V.Manoharan, Addl.Govt.Pleader

J U D G M E N T

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

This Court has passed a common judgment in W.P.Nos.9869 of 2012 etc. bach, dated 12.04.2012 including W.P.No.9874 of 2012 and the present Intra Court Appeal has been filed against order passed in W.P.No.9874 of 2012.

2. The brief facts of the case, leading to file the present appeal is as follows.

The respondent herein is writ petitioner in W.P.No.9874 of 2012. The respondent and other writ petitioners were appointed as Secondary Grade Teachers on various dates and on completion of 10 years and 20 years of service, they were extended the benefits of Selection Grade and



W.A.No.212 of 2016

Special Grade scale of pay. After introduction of the 5th pay Commission, they made representations to grant scale of pay, as that of the scale of pay of Primary School Headmasters, as per G.O.Ms.No.216 dated 22.03.1993. Their representations were rejected by the Government, vide impugned orders dated 15.04.2011. Hence the writ petitioners filed W.P.No.9869 of 2012 etc., batch, including W.P.No.9875 of 2012 before this Court. This Court, vide common order 12.04.2012, has set aside the impugned orders and directed the appellants herein to extend the benefit of G.O.Ms.No.216 dated 22.03.1993 to the writ petitioners and to revise their pensionary benefits and pay arrears, within four weeks from the date of receipt of a copy of the order. Challenging the above order, the Government has preferred the present appeal.

3.The learned Additional Government Pleader appearing for the appellants, on written instructions, submitted that the writ petitioner, namely R.Thangavel is entitled for awarding Special Grade Scale of Pay, however, his name was omitted to be included in the selection list. Hence, it was recommended by the Department to include his name in the selection list



W.A.No.212 of 2016

and he is eligible to get the pensionary benefits, as per the decision of the Full bench of this Court, as referred in G.O.Ms.No.90 dated 09.05.2018. It is also submitted by him that since the writ petitioner died three months back, and now, his wife, namely, Tmt. Palaniammal is getting pensionary benefits, she is eligible to get the revised pensionary benefits of the deceased writ petitioner, in accordance with Rules. To that effect, the learned Additional Government Pleader has also placed the letter sent by the Chief Educational Officer, Perambalur in Na.ka.No.5940/A4/2022 dated 12.04.2023 before this Court.

4. Recording the submission and the letter dated 12.04.2023, this Writ Appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

(D.K.K.J.) (K.G.T.J.)

12.04.2023

Index: Yes/No
Internet: Yes/No
mst



W.A.No.212 of 2016

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W.A.No.212 of 2016

12.04.2023