



W.P.No.9530 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9530 of 2016

and

W.M.P.No.8560 of 2016

1.K.Srinivasan

2.Saroja

3.E.K.Kuppusamy

4.A.Lakshmi

.. Petitioners

/versus/

1.The State of Tamil Nadu rep.by
The Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.

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

3.The Chief Educational Officer,
Erode District @ Erode.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents, extended the benefits of G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993, and accordingly, award Selection/Special



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grade scale of pay with effect from 01.06.1998, and revise pensionary benefits and pay arrears to the petitioner.

For Petitioner :M/s. P.T.Ramadevi

For Respondents :Mr.T.Chezhian,
Additional Government Pleader

ORDER

Claiming the benefits under G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993, the petitioner seeks for revision of pay scale with effect from 01.06.1998 and revision of pensionary benefits and pay arrears.

2. The entitlement of claim under G.O.Ms.No.216, Finance (pay Commission) Department, dated 22.03.1993, was the subject matter before the Hon'ble Full Bench of this Court in the case of ***the Government of Tamil Nadu rep.by the Secretary, School Education Department, Fort St.George, Chennai 600 009 v. G.Eswaran*** reported in ***2017(2) MLJ 257***, wherein a cut of date was fixed as 01.03.2017 for calculation and revision of the pension and pensionary benefits under G.O.Ms.No.216, dated 22.03.1993. The relevant portion of the order reads as below:-



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“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;

(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 no fresh Writ Petitions



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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.”

3. The learned Additional Government Pleader appearing for the respondents produced a copy of the Government Order in G.O.Ms.No.90, School Education (Paka3(1)) Department, dated 09.05.2018, which claims to have been passed in line with the Full Bench decision of this Court cited supra. As such, it is stated that there cannot be any impediment on their part to consider the claim of the petitioner.

4. In the light of the above submissions, the petitioner is at liberty to give a fresh representation, enclosing a copy of this order, together with the decision of the Hon'ble Full Bench of this Court cited supra as well as the Government Order in G.O.Ms.No. 90, School Education (Paka 3(1))



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department, dated 09.05.2018, seeking for revision of his scale of pay as well as pensionary benefits. On receipt of the representation, the first respondent herein shall consider it, in the light of the findings rendered above and pass an order, within a period of six weeks, from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

14.02.2023

Index:yes/no

Speaking order/non speaking order
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To:

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M.S.RAMESH, J.

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