



Writ Appeal No.3919 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 20.10.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN**

**Writ Appeal No.3919 of 2019
and C.M.P.No.24671 of 2019**

1. The State of Tamil Nadu,
rep. By the Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 9.

2. The Director of School Education,
(Higher Secondary), College Road,
Nungambakkam, Chennai - 6.

3. The Chief Educational Officer,
Salem, Salem District.

... Appellants

Vs

Xavier Helen Josephin,
Secondary Grade Assistant,
St.Joseph's Girls Higher Secondary School,
Suramangalam, Salem – 636 005.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 20.04.2012 made in W.P.No.10669 of 2012 and allow the writ appeal.



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For Appellants : Mr.Vadivelu Dheenadayalan
Additional Government Pleader
For Respondent : No appearance

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This intra-court appeal has been directed against the order passed by the Writ Court dated 20.04.2012 made in W.P.No.10969 of 2012.

2. In fact, along with the said writ petition similar other writ petitions were heard together and were disposed of by a common order dated 20.04.2012. The issue raised in the said writ petition is nothing but seeking financial benefit as per G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993, for the period between 01.06.1988 and 31.12.1995.

3. Such a benefit should have been given or extended to the similarly placed persons that was the order passed by the Writ Court, which is impugned herein.



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4. Heard Mr.Vadivelu Dheendayalan, learned Additional Government Pleader appearing for the appellant.

5. In fact the issue raised in the said writ petition is covered by number of decisions as already this issue had been referred to a Full Bench of this Court, where in review application No.227 of 2015 & etc., batch, dated 09.12.2016, the Full Bench has given a set of directions, which reads thus:

“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 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 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 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 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;

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.”

6. Following the said directions, which being a consent one, a subsequent Division Bench in a similar issue in W.A.No.71 of 2019 had passed an order on 20.01.2020 ordering the said writ appeal only in terms of the direction given by the Full Bench, which has been extracted herein above.



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7. In view of the said legal position, where similar relief had already been extended to the similarly placed persons like the respondent of-course on and from 01.03.2017 without any arrears, the same benefit can very well be extended to the present respondent also. To that extent, the challenge made against the impugned order in the present appeal can be concluded.

8. Recording the aforesaid, this writ appeal is disposed of in terms of the aforesaid order of the Full Bench of this Court in Rev.Appln.No.227 of 2015 & etc., batch and accordingly, this writ appeal stands disposed of. No costs. Connected miscellaneous petition is closed.

(R.S.K.,J.)

(G.A.M., J.)

20.10.2023

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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