



W.P.No.4291 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.4291 of 2021

N.D.Shanmugam

...

Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
St.George Fort, Chennai-9.
- 2 The Director of School Education,
College Road, Chennai-34
- 3 The Chief Educational Officer,
Vellore, Vellore District.
- 4 The District Educational Officer,
Thirupattur -635601,
Vellore District.
- 5 The Head master,
Government Higher Secondary School,
K.V.Kuppam, Katpadi Taluk,
Vellore District.

... Respondents



W.P.No.4291 of 2021

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to extent the entire benefits of G.O.Ms.No.216 dated 22.03.1993, by revising petitioner's pay scale as well as pension from 01.06.1988 onwards as per the petitioner's representation, dated 25.11.2019.

For Petitioner ... Mrs.M.Prabhavathi for
Mr.M.Thamizhavel

For Respondents ... Mr.M.Rajendran,
Additional Government Pleader

ORDER

This Writ Petition has been filed, seeking a direction to 1st respondent to extent the entire benefits of G.O.Ms.No.216 dated 22.03.1993, by revising petitioner's pay scale as well as pension from 01.06.1988 onwards as per the petitioner's representation, dated 25.11.2019.

2. The petitioner was originally appointed as Drawing Master at Government Higher Secondary School in Nallurpettai, Gudiyatham, Vellore District on 18.06.1969 in the scale of pay 90-4-110-3-140. The petitioner was awarded Selection Grade on 18.06.1979 and Special Grade on 18.06.1989 and he was transferred to 5th Respondent School, and



W.P.No.4291 of 2021

retired from service on 30.06.2002. However, the scale of pay was not revised as per G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993. Hence, the petitioner has filed W.P.No.23214 of 2014 to implement the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 for revision of pay scale from 01.06.1988 onwards. The said Writ Petition was allowed on 16.02.2015 and the respondents preferred the Review application in Review Petition No.227/2015 to review the order passed by this Court in W.P.No.23213 of 2014 on 16.02.2015, wherein this Court has passed an order to revise the pension of the petitioner alone from 01.03.2017 and accordingly his pension was revised. It is the grievance of the petitioner that though similarly placed teachers like the petitioner herein have got the full benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 by filing number of Writ Petitions, the petitioner has not got the entire fruits of the said G.O. Hence, this Writ Petition.

3. Heard Mrs.M.Prabhavathi, learned counsel for the petitioner and Mr.M.Rajendran, learned Additional Government Pleader appearing for the Respondents.



W.P.No.4291 of 2021

4. By following the objections raised by the Secondary Grade Assistants, the Government has issued order in G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 to give selection grade pay for the Secondary Grade Teacher considering the non-availability of promotional avenues. However, the said benefit was extended to those persons who have filed applications before the Tamil Nadu Administrative Tribunal. Hence the Secondary Grade Teachers filed various Writ Petitions challenging the anomaly and subsequently, the dispute got settled through a Full Bench order dated 09.12.2016 made in Rev. Application No.227/2015 etc. in W.A.No.352/2014 wherein it is held as under:

“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 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*



W.P.No.4291 of 2021

common order and consequently, connected MPs thereof, are ordered.”

5. By virtue of the said order, the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, should be given to all those persons who got their selection grade qualification between the period from 01.06.1988 to 31.12.1995. For those persons who have retired from service on the date when the judgment was passed, their pension shall be calculated based on the revised scales in terms of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and monetary benefits will be payable on and from 01.03.2017. In fact, the Government has implemented the orders of the Court by way of issuing another Government Order in G.O.Ms.No.90, School Education Department dated 09.05.2018 by completely incorporating the directions of the Court.

6. The petitioner will fall under the category to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993. The third respondent did not have any objection for the applicability of principles, G.O.Ms.No.216, Finance (Pay Cell) Department, dated



W.P.No.4291 of 2021

22.03.1993 in terms of order in Rev. Application No.227/2015 etc. in W.A.No.352/2014 cited supra and the subsequent Government Order issued in G.O.Ms.No.90, School Education Department, dated 09.05.2018.

7. Accordingly, this Writ Petition is allowed and the respondents 1 to 5 are directed to consider the representation of the petitioner dated 25.11.2019 and extend the benefits of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 in the light of the order of Full Bench of this Court dated 09.12.2016 made in Rev. Application No.227 of 2015 etc., and accordingly award Selection Grade / Special Grade Scale of pay and revision of pensionary benefits within a period of six weeks from the date of receipt of a copy of this order. No costs.

31.01.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No
vum



WEB COPY



W.P.No.4291 of 2021

R.N.MANJULA ,J.

vum

To:

- 1 The Secretary to Government,
School Education Department,
St.George Fort, Chennai-9.
- 2 The Director of School Education,
College Road, Chennai-34
- 3 The Chief Educational Officer,
Vellore, Vellore District.
- 4 The District Educational Officer,
Thirupattur -635601,
Vellore District.
- 5 The Head master,
Government Higher Secondary School,
K.V.Kuppam, Katpadi Taluk,
Vellore District.

W.P.No.4291 of 2021

31.01.2024
(4/6)