



W.P.No.18965 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.18965 of 2021

P.Gopalan

...

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 Head Master,
Thiruvalluvar Higher Secondary School,
Gudiyatham,
Vellore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to
issue a writ of mandamus to direct the first respondent to extend the entire



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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 24.03.2021.

For Petitioner ... Mr.M.Thamizhavel

For Respondents ... Mr.P.Gurunathan
Additional Govt. Pleader for R1 to R4

ORDER

Heard Mr.M.Thamizhavel, the learned counsel for the petitioner and Mr.P.Gurunathan, the learned Additional Government Pleader for R1 to R4.

2. The petitioner has filed this writ petition seeking a writ of mandamus directing the first respondent to extend the entire benefits of the Government Order in G.O.Ms.No.216 dated 22.03.1993, by revising his pay scale as well as pension from 01.06.1988 onwards as per his representation dated 24.03.2021.

3. The petitioner has been appointed as Physical Educational Teacher



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in the fourth respondent school on 07.10.1982 and he got retired on 28.02.2005 without any promotion.

4. Mr.M.Thamizhavel, the learned counsel for the petitioner, submitted that the petitioner is eligible for selection grade on 07.10.1992 and special grade on 07.10.1982; similar such persons have filed a writ petition and obtained orders for revising their pay scale in accordance with G.O.Ms.No.216, Finance (Pay Cell) Department dated 22.03.1993 but the said benefit was not extended to all those persons who have not filed any applications before the Tamil Nadu Administrative Tribunal; since various writ petitions have been filed subsequently, the dispute was referred to Full Bench of this Court and an order has been passed in Review Application No.227/2015 in W.A.No.352/2014 dated 09.12.2016 in which the following directions are issued :

“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



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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.”

5. The position has been well settled that irrespective of the orders obtained from the Court by the individuals, the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department dated 22.03.1993, should be extended to all those persons who would get the selection grade and special grade qualification between the period from 01.06.1988 to 31.12.1995.

6. Since the petitioner had attained the special grade on 07.10.1992 which is within the above cut off period, the respondents shall consider representation of the petitioner and pass appropriate orders.

7. Accordingly, this writ petition is allowed and the first respondent is directed to consider the representation of the petitioner dated 24.03.2021 and pass orders by extending the entire benefits of G.O.Ms.No.216,



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Finance (Pay Cell) Department dated 22.03.1993, in the light of the order passed in Rev. Application No.227/2015 in W.A.No.352/2014 dated 09.12.2016 and award selection grade / special grade to the petitioner and revise his pensionary benefits, within a period of six weeks from the date of receipt of a copy of this order. No costs.

19.03.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To:

WEB COPY

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R.N.MANJULA ,J.

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