



W.P.No.19312 of 2021.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.19312 of 2021

and W.M.P.No.20602 of 2021

K.Annapooranam

...Petitioner

Vs.

1.The State of Tamil Nadu Rep.,
by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009

2.The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.

3.The Chief Educational Officer,
Namakkal District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, directing to call for records relating to the order of the 2nd respondent made in Na.Ka.No.3841/C5/E4/2011 dated 24.03.2021, to quash the same and to consequently direct the respondents to grant and extend the benefit of revised scale of pay and that of the consequential revision in pension and pensionary benefits inclusive of arrears thereto.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.K.H.Ravikumar

Government Advocate

ORDER

This petitioner herein, who was appointed as Middle School Teacher on 30.08.1967, was awarded Selection grade/Special grade on completion of 10 and 20 years of services respectively and thereafter, the petitioner retired from service on attaining the age of superannuation on 31.07.1977. It is thereafter the petitioner made a claim for extending the benefit under G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993. The said claim of the petitioner came up for consideration before the learned Division Bench of this Court in W.A.No.352 of 2014 and batch, including W.P.No.2984 of 2014 etc., and batch filed by the petitioner and by a common order dated 04.02.2015, the writ petition filed by the writ petitioner was disposed of. The



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relevant portion from the order passed by the learned Division Bench reads as under:

"23. It is true, implementation of the Government Order in question to the teachers/individuals will cause enormous burden to the State exchequer and it is, certainly, a matter for concern. However, the views taken by the earlier Benches of this Court for extending the benefit to the employees therein are equally applicable to these cases in hand, as these individuals also are similarly placed to those in the earlier litigations. But, the only point to be considered in these cases is, the individuals have approached the Court belatedly, which delay, according to them, was due to the pendency of the decision in those matters. However, as regards the claim of arrears for the period taken by the individuals in these matters in making a belated approach, we are not inclined to pass any orders. Therefore, we leave it open to the State to take a decision as to the period of entitlement with regard to the said issue in according with law."

2.However, the petitioner was not extended the benefit of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 and instead the



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impugned order dated 24.03.2021 came to be passed rejecting the claim of the petitioner by placing reliance on the decision of the learned Full Bench of this Court in Review Application No.227 of 2015 and batch dated 09.12.2016. Aggrieved by the said order dated 24.03.2021, the petitioner approached this Court by filing the present writ petition.

3.The 3rd respondent filed a counter affidavit contending that the order passed by the learned Division Bench of this Court in W.A.No.352 of 2014 and batch dated 04.02.2015 was subjected to review and the said review application was considered by the learned Full Bench of this Court and an order was passed on 19.12.2016 laying down various guidelines and in terms of the said order of the Full Bench of this Court, Government also issued G.O.Ms.No.19 School Education Department dated 19.05.2018 and it is in terms of the said orders of the Full Bench, the case of the petitioner was considered and impugned order came to be passed rejecting his claim.

4. Though the Review application stated to have been filed against the common order in W.A.No.352 of 2014 and Batch matters, there is no material that is placed before this Court to show that any review application is



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filed against the order in W.P.No.2984 of 2014 with which the petitioner herein is concerned with, nor any appeal is to have been filed against the order in W.P.No.2984 of 2014. Even if a review or appeal is filed against the common order in Batch of matters until and unless the separate review application is filed as against each of the matters covered by the said Batch, the order that was passed in a particular matter namely W.P.No.2984 of 2014 with which the petitioner in this writ petition is concerned, the original order would not get affected by filing of review/appeal against the common order passed in other matters. In otherwords, once the order that was passed by the learned Division Bench on 04.02.2015 in W.P.No.2984 of 2014 is allowed to become final without any change or modification for want of filing any review application or any appeal in the said order, the order passed by the learned Division Bench of this Court in the said writ petition attains finality. Therefore, the respondents are bound to be comply with the said order.

5.The contention of the learned Government Advocate that the common order passed in writ appeal in W.A.No.352 of 2014 and batch was modified in a review application and therefore, the same would also apply to the case of the petitioner and the order in W.P.No.2984 of 2014 also shall



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stand modified cannot be accepted. The order passed in *inter se* parties can be varied, modified or altered on an appeal or review filed against the said order, but the said order passed *inter se* parties cannot automatically stand modified by virtue of orders passed in similar in appeals or reviews filed against the common order.

6. In the light of the above, the order passed in W.P.No.2984 of 2014 dated 04.02.2015 by the learned Division Bench of this Court in the said writ petition has become final and whatever rights that are accrued to the petitioner by virtue of the said order cannot be taken away by the orders passed by the learned Full Bench. May be Full Bench has laid down certain guidelines governing the situation, but that by itself would not affect the rights that are accrued to the petitioner by virtue of an order passed *inter se* parties. Therefore, the impugned order passed by the respondents placing reliance on the decision of the Full Bench in Review Application No.227 of 2015 and batch dated 19.12.2016 ignoring the order passed in *inter se* parties in W.P.No.2984 of 2014 cannot be sustained. Accordingly, the impugned order is set aside and the matter is remitted back to the 3rd respondent for considering the case of the petitioner in terms of the order passed in



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W.P.No.2984 of 2014 dated 04.02.2015 by the learned Division Bench of this Court and pass appropriate order as expeditiously as possible, at any rate within a period of 12 weeks from the date of receipt of a copy of this order.

7.In the result, the writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

13.06.2024

vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1.The State of Tamil Nadu Rep.,
by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009

2.The Director of School Education,
College Road, Nungambakkam,

7/9



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3.The Chief Educational Officer,
Namakkal District.

MUMMINENI SUDHEER KUMAR, J.

vsn



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and W.M.P.No.20620 of 2021

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