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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24083 of 2024
and W.M.P.No.26338 of 2024

R.Jeevarathinaraju

... Petitioner

Vs.

1.The Government of Tamil Nadu

Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

2.The Branch Officer,

Office of the Principal Accountant General (A & E) Tamil Nadu,
361, Anna Salai,
Chennai – 600 018.

3.The Block Educational Officer,

Sholingar Panchayat Union,
Sholingar,
Ranipet District – 631 102.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent made in his proceedings in No.P17/1/11725572/ ADK dated 03.01.2023 and quash the same and direct the 2nd



respondent to sanction the revised pension as per the proposal sent by the 3rd respondents and in consonance with the G.O. Ms. No.210, School Education (G1) Department, dated 14.08.2009 and G.O.Ms. No.213, School Education (EE1(1)) Department dated 02.12.2022.

For Petitioner : Mr.A.S.Kaizer

For Respondent : Mrs.S.Mythreye Chandru
Special Government Pleader for R1

Mr.P.Mano Rajan
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 03.01.2023 and for a consequential direction to the 2nd respondent to sanction the revised pension as per the proposal sent by the 3rd respondents and in consonance with the relevant Government Order.

2.Heard Mr.A.S.Kaizer, learned counsel appearing on behalf of the petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the 1st respondent and Mr.P.Mano Rajan, learned Standing Counsel appearing on behalf of the 2nd respondent.



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3.The case of the petitioner is that he was initially appointed as a Secondary Grade Assistant Teacher on 01.04.1974. Ultimately, he was holding the post of Middle School Head master and he retired from service on 31.05.2009.

4.The petitioner had a grievance that he was not awarded with Selection Grade/Special Grade scale of pay w.e.f. 01.06.1998 onwards and consequently, the petitioner was also seeking for revision of the pensionary benefits and pay arrears. Since it was not granted, the petitioner and others filed W.P.No.4630 of 2015 before this Court seeking for the extension of the benefit under the relevant Government Orders and for awarding the Selection Grade/Special Grade pay w.e.f. 01.06.1998. The writ petition was disposed of by this Court by an order dated 29.07.2015 by issuing certain directions. It was also made clear that if the petitioners had joined service after 01.10.1970, they cannot ask for such Selection Grade/Special Grade in the post of Middle School Head Master.

5.Both the sides were aggrieved by the order passed by the learned Single Judge and hence, writ appeals were filed in W.A.Nos.73 etc., of 2016. The same



was posted along with the connected writ petitions. Ultimately, the Division Bench by an order dated 26.03.2019, disposed of the writ appeal in the following terms:

2. When the appeals and the writ petitions are taken up for hearing, Mr.C. Munusamy, learned Special Government Pleader (Education), by producing a copy of the judgment dated 3 January, 2019 in Writ Appeal Nos. 34 of 2017 etc batch submitted that the issue is no longer res integra in view of the judgment delivered by the Co-ordinate Bench cited supra.

3. The Division Bench, after extracting various Government Orders and the decisions rendered by Courts on the subject, finally issued string of directions in paragraph No.8 of the judgment. The operative portion of the said judgment is extracted hereunder:

8. ...Following the above decision, all the writ appeals are dismissed. The appellants are directed to grant the benefits of G.O.Ms. No. 210 School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in Selection Grade / Special Grade in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster, from the date of their promotion to the post of Middle School Headmaster, if



they were not given the same already, with all monetary benefits and the pensionary benefits with arrears till the date of his death. Though, Mr.C. Munusamy, learned Special Government Pleader (Education) sought four months time to complete the exercise of revising the pay in the Selection Grade / Special Grade to the respondents, and consequently revise the pension / family pension, considering the long period of litigation, which the retired employees / members of the family of the retired employees have to undergo, litigation expenses etc., we, deem it fit, to direct the appellants, to fix the pay in the Selection Grade / Special Grade, within a period of four weeks, from the date of receipt of a copy of this judgment and consequently the appellants are further directed to revise the pension / family pension, and disburse both arrears of salary and differential pension, within a period of eight weeks, thereafter. Consequently, connected civil miscellaneous petitions are closed. No costs."

4. Since the issue has already been decided by the Division Bench, there is no need for a further adjudication in the present intracourt appeals and writ petitions. We therefore dispose of the intracourt appeals and connected writ petitions on board in terms of the judgment dated 3 January, 2019 in Writ Appeal No. 34 of 2017 etc batch.



5. We direct the State to revise the pension / family pension of the concerned employees and disburse arrears of salary and differential pension depending upon the facts of each case and taking into account the directions given by the Division Bench in the judgment dated 3 January, 2019 in W.A. No. 34 of 2017 etc batch. No costs. Connected miscellaneous petitions are closed.

6. Pursuant to the above order, the 3rd respondent passed the fixation order after a contempt petition was moved before this Court. The proposals were forwarded along with the letter of the 3rd respondent dated 13.06.2022 to the 2nd respondent for further course of action.

7. The present grievance of the petitioner is that the 2nd respondent through communication dated 03.01.2023, returned the Service Book along with the proposals sent by the 3rd respondent. In view of the same, the petitioner started making representations and also issued legal notice to comply with the order passed by the Division Bench in line with the proposals sent by the 3rd respondent. Since, there was no development, the present writ petition has been filed before this Court.



8. When the matter was taken up for hearing, the learned counsel for the petitioner placed the communication dated 18.06.2024, received from the 2nd respondent. For proper appreciation, the contents of the letter is extracted hereunder:

With reference to your notice cited received on behalf of your client Shri.R.Jeevarathina Raju (Retired Middle School Head Master, Date of Retirement: 31.05.2009, PPO No.C414732) seeking compliance of the Division Bench order in W.A.No.924/2016, it is stated that as soon as Pension Proposal along with Service register is received from the department concerned, the Pensionary Benefits will be revised in terms of G.O.213.

9. It is clear from the above that the 2nd respondent has now agreed to proceed further with the directions issued by the Division Bench and the pension proposals that was placed before the 2nd respondent is to be considered in terms of G.O.Ms.No.213, dated 02.12.2022.

10. In the light of the above development, there shall be a direction to the 2nd respondent to proceed with the process involving the service and monetary



benefits to the petitioner. This process shall be completed by the 2nd respondent, within a period of twelve weeks from the date of receipt of copy of this order.

Since the 2nd respondent has returned back the entire file to the 3rd respondent, the 3rd respondent is directed to immediately resend the proposal to the 2nd respondent and this shall be done within a period of two weeks from the date of receipt of copy of this order.

11. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

23.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
School Education Department,
Fort St. George,
Chennai – 600 009.



2.The Branch Officer,
Office of the Principal Accountant General (A & E) Tamil Nadu,
361, Anna Salai,
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3.The Block Educational Officer,
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N. ANAND VENKATESH, J.

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