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W.A.No.680 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.680 of 2021
and
C.M.P.No.3764 of 2021

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

2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 6.

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

... Appellants

Vs.

1.T.Ramachandran
2.S.Dhandapani
3.G.Vaithianathan
4.K.Karthigaiyan
5.G.Alwar
6.S.Devarajan
7.K.Vijaya Raghavalu
8.G.N.Pankajam
9.V.Janabai
10.A.Saroja



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- 11.N.Mayavan
12.P.Jayalakshmi

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[R11 & R12 given up]

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

14.The Secretary,
S.K.Velautham Hr.Sec. School,
Kurinjpadi,
Cuddalore District – 607 302.

15.The Secretary,
Vallallar Gurukulam Hr. Sec. School,
Vadalore – 607 303,
Cuddalore District.

16.The Secretary,
D.G.M.Hr.Sec. School,
Sethiathoppu,
Cuddalore District – 608 702.

17.The Headmaster, Govt. Hr. Sec. School,
C.N.Palayam, Cuddalore Taluk & District.

18.The Headmaster, S.K.V. Hr. Sec. School,
Kurinjpadi – 607 302, Cuddalore District.

19.The Headmaster,
Vallallar Gurukulam Hr. Sec. School,
Vadalore – 607 303, Cuddalore District.

20.The Headmaster,
Govt. Boys Hr. Sec. School,
Kurunjipadi (Village and Taluk).

21.The Headmaster, D.G.M.Hr.Sec. School,
Sethiathoppu, Cuddalore District – 608 702.



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22. The Headmaster, Govt. Hr. Sec. School,
Siruvachur Post, Aathur Taluk,
Salem District – 636 112.

... Respondents

[R.13 to R.22 not necessary hence given up]

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 25.07.2012 made in W.P.No.19889 of 2012.

For Appellants : Mr.P.Gurunathan
Additional Government Pleader

For R1 & R4 to R7 : Mr.K.Thennan

For R2, R3, R9 & R10 : Served – No appearance

For R8 : Not ready in notice

For R11 to R22 : Given up

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 25.07.2012 made in W.P.No.19889 of 2012.

2. In fact, the issue that has been concluded by the learned Judge through the impugned order is no more *res integra*.

3. That prior to 01.06.1988 the Secondary Grade Teachers and the Elementary School Headmasters were on same scale of pay, at the



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introduction of V Pay Commission with effect from 01.06.1988, the scale of pay for the Elementary School Headmaster has been enhanced, therefore there were two set of pay, one is that Secondary Grade Teacher and another is Elementary School Headmaster.

4. Because of such introduction of V Pay Commission and enhancement of the pay for the Elementary School Headmasters who were hitherto drawing only the equal pay along with the Secondary Grade Teachers as the post of Secondary Grade Teacher and Elementary School Headmaster are interchangeable prior to 01.06.1988, there has been a pay anomaly that has occurred insofar as the Secondary Grade Teachers as on 01.06.1988 is concerned.

5. Therefore, number of people had come to the Court. The earliest order passed by the Tamil Nadu Administrative Tribunal was challenged before this Court and this Court also confirming the said order dismissed the said writ petition, as against which, Government filed unsuccessfully the Special Leave Petition in C.C.No.2746/2010 that was also dismissed by the Hon'ble Supreme Court by order dated 23.04.2010.



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6. Pursuant to the same, the Government passed order in G.O.(Ms).No.258, School Education (M1) Department, dated 06.09.2010.

7. In the meanwhile, already the Government issued G.O.(Ms).No.216, Finance (Pay Commission) dated 22.03.1993, under which the pay anomaly faced by the Secondary Grade Teachers who were working in high in Higher Secondary School had been redressed as they were also brought under the same scale of pay equal to that of the Headmaster of the Elementary School by virtue of the introduction of the V Pay Commission with effect from 01.06.1988.

8. Therefore, what was the import of G.O.(Ms).No.216 has to be extended to other Secondary Grade Teachers that was the plea they raised which was accepted up to the Hon'ble Supreme Court followed which a Government Order in G.O.(Ms).No.258 also was issued.

9. Thereafter also since the issue still was lingering as number of such people have not been considered for extension of such G.O.(Ms).No.216 they all individually approached the Court of Law at various point of time and number of such orders have been passed.



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10. Citing all these decisions, the learned Judge has allowed the writ petition filed by the respondents herein by order impugned dated 25.07.2012 in W.P.No.19889 of 2012.

11. In the subsequent development, the matter has been referred to a Full Bench for authoritative pronouncement in view of the conflicting decision on the issue from two different Division Benches.

12. The Full Bench, after having analysed the issue threadbare, has come to the following conclusion by its order dated 09.12.2016, where, in paragraph 38, the Full Bench has stated the following:

“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 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;



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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;”

13. Therefore, as per the Full Bench judgment these kind of Secondary Grade Teachers would be entitled to get the benefit under G.O.(Ms).No.216 but only from the date of 01.03.2017.

14. In view of the Full Bench judgment, the order passed by the learned Judge which is impugned herein is to be sustained, however the benefits shall be extended to them only from the date that has been mentioned by the Full Bench i.e., 01.03.2017. With this modification of the order impugned, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] [K.B., J.]
09.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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and
K.KUMARESH BABU, J.

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