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W.A.No.1312 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.1312 of 2022 and

CMP No.28991 of 2023

S.Hariharan

... Appellant

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary, School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.

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

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

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court, dated 18.11.2013 made in W.P.No.24112 of 2013

For Appellant : Mr.K.Karthikeyan

For Respondents : Mr.VM Ravichandran, Spl.Govt.Pleader

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JUDGMENT

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(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This intra court writ appeal has been filed by the writ petitioner as against the order passed in W.P.No.24412/2013 along with other batch of writ petitions (W.P.Nos.4505/2012 etc. batch) dated 18.11.2013, in and by which his claim " *to extend the benefits of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993, in the light of the Hon'ble Division Bench of this Court in W.P.No.8747/ 2009, dated 17.07.2009, confirmed by the Hon'ble Supreme Court in SLP No.2747/2010, dated 23.04.2010, and accordingly to award selection/ Special Grade scale of pay with effect from 01.06.1988 and to revise the pensionary benefits and also to pay arrears to him*" was denied.

2. The issue with regard to the granting of benefits under G.O.Ms.No.216, dated 22.03.1993 was already been decided by the Hon'ble Full Bench of this Court in Rev.Appln.Nos.227 of 2015, etc. batch, dated 09.12.2016, reported in 2017(2)MLJ 257, in which, at paragraph No.38, it has been held as follows.

38. Today, when the matters are taken up for consideration, keeping



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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 counsel 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 22.03.1993 for the period between 01.06.1988 and 31.12.1995, on and from 01.03.2017 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 22.03.1993, payable on and from 01.03.2017;

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 common order and consequently,



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connected MPs thereof are ordered.

The above decision of the Full Bench of this Court is squarely apply to the facts and circumstances of the present case.

3. Further, the learned Special Government Pleader appearing for the respondents submitted that, in compliance to the order passed by this Court dated 03.08.2022, the Chief Educational Officer, Erode District has issued a proceedings in Na.Ka.No.2568/A2/2022, dated 16.09.2022, revising the scale of pay of the appellant w.e.f. 01.03.2017 and to pay the arrears, subject to the outcome of the SLP and other similar petitions pending or to be filed before this Court. He also placed the above said proceedings dated 16.09.2022 before this Court.

4. Inview of the above, no further order is required to be passed in the writ appeal. It is to be noted that, if any excess amount is paid to the petitioner, it is for the respondents to take necessary action.



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5. Accordingly, this writ appeal is disposed of. No costs.

Consequently, CMP No.28991 of 2023 (impleading petition) is closed.

(D.K.K.J.) (K.B.J.)

05.06.2024

Internet: Yes/No

Index : Yes/No

mst

To

1. The Secretary, Government of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The Director of School Education,
College Road, Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Erode, Erode District.



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D.KRISHNAKUMAR, J.
and
K. KUMARESH BABU, J.

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