



W.P.(MD).No.4724 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4724 of 2021

1.K.P.Subramaniyan

2.P.Mehanathan

3.M.Deeneswary

...Petitioners

Vs.

1.The State of Tamilnadu,
Represented by its Secretary to
the Government,
Department of School Education,
Fort St. George,
Chennai-09.

2.The Director of School Education,
College Road,
Chennai-06.

3.The Chief Educational Officer,
Sivagangai District.

4.The District Educational Officer,
Madurai Road,
Thiruppathoor,
Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 3rd respondent Na.Ka.No.2253/E3/2012 dated 08.01.2021 and quash the same and direct the 3rd respondent to re-fix the scale of pay and grant salary arrears with pensionary benefits by extending the full benefits of G.O.Ms.No.216 dated 22.03.1993 Finance (PC) Department.

For Petitioners : Mr.K.K.Kannan

For Respondent : Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the impugned order passed by the 3rd respondent dated 08.01.2021 and consequently directing the 3rd respondent to re-fix the scale of pay and grant salary arrears with pensionary benefits by extending the full benefits of G.O.Ms.No.216 dated 22.09.1993 Finance (PC) Department.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioners are retired Secondary Grade Teachers who served in T.K.G.School, Kundrakudi, Sivagangai district. Since the petitioner had no promotional opportunity, the Government issued G.O.Ms.No.216 dated 22.03.1993, introducing uniform scale of pay for all the Secondary Grade Teachers, as per Annexure-I of G.O.Ms.No.304, the ordinary grade, selection grade scales of pay are fixed for teachers at Rs.1200-2040, 1400-2600 and 1640-2900 respectively. Certain disparities prevailed in fixing the various ambiguity in awarding selection grade / special grade scales of pay and the same was challenged by the teachers before this Court. Pursuant to the same, to remove the disparities among the various scales of pay, the Government issued G.O.Ms.No.216 introducing uniform scale of pay for all the Secondary Grade Teachers, dated 22.03.1993. Thereafter, several writ petitions came to be filed before this Court, claiming extension of benefits under G.O.Ms.No.216 dated 22.03.1993 before this Court and this Court was pleased to allow all those writ petitions. However, without complying the orders passed by this Court, the Government preferred an appeal before the Supreme Court. However, the same were dismissed by confirming the order passed by this Court.



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The same matter was also dealt with by the Hon'ble Full Bench of this Court in R.A.No.227 of 2015 and this Court, by an order dated 09.12.2016 has directed to implement the G.O.Ms.No.216 dated 22.03.1993. On the basis of certain direction issued by the Full Bench Court in the aforesaid judgment, the petitioners have filed W.P.(MD)No.1019 of 2011 before this Court and this Court was pleased to allow the same on 20.03.2012 by directing the respondents to consider the petitioner's representation seeking to extend the benefits of G.O.Ms.No.216 dated 22.03.1993 and G.O.Ms.No.270 dated 28.08.2010 within a period of three (3) months from the date of receipt of a copy of the aforesaid order. Pursuant to the order passed by this Court, the petitioner's representation was duly considered and the same was rejected by the impugned proceedings dated 08.01.2021 in Na.Ka.No.2253/E3/2012. Challenging the same, this writ petition came to be filed.

3. The learned Additional Government Pleader Mr. D.Sadiq Raja submitted that the case of the petitioners is squarely covered by the judgment of this Court in R.A.No.227 of 2015 dated 09.12.2016. That apart, he drew my attention to the proceedings of the CEO, Sivagangai dated Nil.08.2018 signed



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on 16.08.2018 wherein it has been mentioned that the petitioners have made an application seeking to extend the benefits of G.O.Ms.No.216 dated 22.03.1993 even before 09.12.2016. For better appreciation, the relevant portion of the judgment in ***R.A.No.227 of 2015 dated 09.12.2016 reported in (2017) 2 MLJ 257 (FB)*** which is applicable to the facts and circumstances of this case is extracted as follows:

“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



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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;

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;”



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4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. Fully fortified by the directions of the Full Bench Court in the aforesaid judgment, this Court hereby quash the impugned order of the 3rd respondent, dated 08.01.2021 and consequently direct the 3rd respondent to extend the pension benefits to the writ petitioners in terms of G.O.Ms.No.216 dated 22.03.1993 Finance (PC) Department and re-fix the pension in terms of the aforesaid judgment extracted supra.

5. Accordingly, this Writ Petition is disposed of. No costs.

03.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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