



W.P.(MD)No.17324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17324 of 2024

and

W.M.P.(MD)No.14896 of 2024

I.Gnanasekaran

... Petitioner

VS.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600009.
- 2.The Director of School Education,
College Road, Chennai - 600006.
- 3.The Accountant General,
Office of the Accountant General (A and E),
361, Anna Salai, Teynampet,
Chennai - 600018.
- 4.The Chief Educational Officer,
Kokkirakulam, Tirunelveli,
Tirunelveli District - 627009.



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5.The District Educational Officer,
Tirunelveli,
Tirunelveli District - 627009.

6.The Headmaster,
Government Higher Secondary School,
Thalapathisamuthiram,
Tirunelveli District - 627101.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 6 herein to sanction and disburse forthwith the arrears of salary w.e.f. 01.03.2017 till the date of the petitioner's retirement i.e. on 31.07.2021 in the revised scale of pay in terms of G.O.Ms. No.216 dated 22.03.1993 as directed by the Full Bench of the Honble High Court in Rev. Aplc. No. 313 of 2015 dated 09.12.2016, by considering the petitioner's representation dated 30.03.2024.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondent : Mr.T.Amjadkhan
Government Advocate
(R1, R2 & R4 to R6)
Ms.S.Mahalakshmi (R3)
Standing Counsel



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ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the respondents to sanction and disburse forthwith the arrears of salary w.e.f. 01.03.2017 till the date of the petitioner's retirement i.e. on 31.07.2021 in the revised scale of pay in terms of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, as directed by the Full Bench of this Court in Rev. Applc. No. 313 of 2015 dated 09.12.2016, by considering the petitioner's representation dated 30.03.2024.

2. Heard Mr.K.Ragatheesh Kumar, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for Respondents 1, 2 and 4 to 6 and Ms.S.Mahalakshmi, learned standing counsel appearing for the third respondent.

3. The petitioner was appointed as a Physical Education Teacher in the year 1985 and after completion of 10 years, he was awarded with selection grade pay. He was also awarded with special



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grade pay after completion of 20 years. The petitioner and other similarly placed persons have filed various writ petitions before the Principal Seat of this Court seeking for extension of benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, which was issued for introducing uniform scale of pay for all the secondary grade teachers. However, the said writ petition was dismissed, as against which, a writ appeal was filed, which was allowed by the Division Bench of this Court. Challenging the same, a review application has been filed, which was disposed by giving several directions. One among the directions was to implement the government order in G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, for the period between 01.06.1998 and 31.12.1995 on and from 01.03.2017 onwards. For the sake of clarity, essential part of the judgment is extracted hereunder:-

“38.....

(i) The Government is directed to implement the G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 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



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attained Selection grade / Special Grade during the above said period, on par with the pay scale of Primary School Headmasters;”

4. The grievance of the petitioner is that even though the order has stated to implement the benefits on and from 01.03.2017, the petitioner, though was in service at the time of passing of the order, has been given with benefits only subsequent to his date of retirement.

5. The learned counsel appearing for the petitioner submitted that the first respondent issued GO.Ms.No.90, School Education Department, dated 09.05.2018 extending the said benefits only in respect of the retired employees and they also revised their pension and also the family pension. This GO is applicable only to the persons, who were not in service. At the relevant point of time, the petitioner was in service and hence, the fourth respondent ought to have extended the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993.



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6. It is further submitted that the petitioner filed a writ petition in WP(MD)No.7943 of 2024 challenging the denial of his encashment of earned leave and leave on private affairs and the said writ petition was allowed by observing that the respondents ought to have invoked G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, in respect of encashment of earned leave and leave on private affairs and it is right for the respondents therein to rely upon GO.Ms.No.90, School Education Department, dated 09.05.2018, in respect of revised pension and pensionary benefits,.

7. On perusal of the available materials on record and also the order of the Full Bench of this Court, it is seen that at the time of order passed by the Full Bench of this Court in Rev.Aplc.No.313 of 2015, the petitioner was very much in service. Obviously, the respondents ought to have invoked G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, in respect of encashment of earned leave and leave on private affairs and in respect of revised pension and pensionary benefits, the respondents ought to have relied upon GO.Ms.No.90, School Education



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Department, dated 09.05.2018. Hence, the petitioner is also liable to get the aforesaid relief. In this regard, the petitioner made a representation dated 30.03.2024 to the respondents.

8. In view of the above, this writ petition is allowed. The respondents are directed to consider the representation of the petitioner dated 30.03.2024 favourably, by considering the observations made in this order, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC: Yes/No
Index : Yes/No

TO:-

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Department of School Education,
Fort St. George, Chennai - 600009.
- 2.The Director of School Education,
College Road, Chennai - 600006.
- 3.The Accountant General,
Office of the Accountant General (A and E),
361, Anna Salai, Teynampet, Chennai - 600018.



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R.N.MANJULA, J.

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