



W.A(MD)No.471 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

and

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

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and

C.M.P.(MD)No.3381 of 2016

1.The State of Tamil Nadu
represented by the Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai 600 009.

2.The State of Tamil Nadu
represented by its Secretary to Government,
Education Department,
Fort St. George,
Chennai 600 009.

3.The Director of School Education,
School Education Department,
College Road,
Chennai 600 009.

4.The District Educational Officer,
Trichy District.

...Appellants/Respondents

Vs.



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...Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, against the order dated 26.07.2012 passed by this Court in W.P.(MD).No.10300 of 2012.

For appellants : Mr.A.K.Manikkam
Special Government Pleader

For Respondent : No appearance

JUDGMENT

(Order of the Court was made by V.BHAVANI SUBBAROYAN,J.)

The State has filed this writ appeal against the order passed by this Court in W.P.(MD).No.10300 of 2012, dated 26.07.2012.

2. The said writ petition was filed by the respondent herein praying for a direction to the respondents to extend the benefits of G.O.(Ms.).No.216 to the petitioner, who was promoted as Graduate Teacher and then as Middle School Headmaster on account of higher qualification, by taking into view of his 32 years of long unblemished service in the cadre of Secondary Grade Teacher,



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Graduate Teacher and Middle School Headmaster. The learned single Judge of this Court allowed the writ petition and directed the respondents to dispose of the petitioner's representation by extending the benefits of G.O.(Ms.).No.216, Finance (Pay Cell) Department, dated 22.03.1993, within a period of four months from the date of receipt of his representation enclosed with this order copy. Challenging the same, the present writ appeal has been filed.

3. The learned Special Government Pleader appearing for the appellants would submit that the issue involved in the present writ appeal is squarely covered by the decision of the Hon'ble Full Bench of this Court in Rev.Appln.No. 227 of 2015, dated 09.12.2016.

4. Heard the learned Special Government Pleader appearing for the appellants and perused the materials available on record.

5. The Full Bench of this Court in Rev.Appln.No.227 of 2015, dated 09.12.2016, 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



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quietus to the issue, held that it is 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 said G.O., for which, the learned Advocate General and the learned counsels appearing for the Teachers have fairly acceded to the same. The relevant portion of the order is extracted hereunder :-

“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 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



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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;

6. In view of the above, the appellants are directed to fix the payment of pension and other family pension alone and not to re-fix all other arrears or consequential benefits. The same shall be done within a period of twelve weeks from the date of receipt of a copy of this judgment.

7. With the above direction, this Writ Appeal is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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