



W.A(MD)Nos.1485 to 1493 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

W.A.(MD)Nos.1485 to 1493 of 2017
and
C.M.P.(MD)Nos.11850 to 11858 of 2017

W.A.(MD)No.1485 of 2017:

A.Ganesan

...Appellant

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai 600 009.
- 2.The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Chennai 600 009.
- 3.The Director of School Education,
College Road,
Chennai 600 006.



W.A(MD)Nos.1485 to 1493 of 2017

4.The Chief Educational Officer,
Ramanathapuram District.

5.The Head Master,
Government Higher Secondary School,
Alanganur,
Ramanathapuram District.

...Respondents

PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent, against the common order dated 05.10.2017 passed by this Court in W.P.(MD).Nos.18491 to 18499 of 2017.

W.A.(MD) Nos.1485 to 1493 of 2017:

For appellant	: Mr.K.Appadurai (in all cases)
For Respondents	: Mr.D.Sadiq Raja Additional Government Pleader (in all cases)

COMMON JUDGMENT

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

Since the issue involved in these writ appeals is one and the same, they have been taken up together and disposed of by this common judgment.



W.A(MD)Nos.1485 to 1493 of 2017

WEB COPY

2. The writ petitioners have filed these writ appeals against the order of the learned single Judge passed in W.P.(MD).Nos.18491 to 18499 of 2017, dated 05.10.2017.

3. The above said writ petitions have been filed praying for a direction to the respondents to extend the benefit of revised pay scale to the petitioners in the post of Secondary Grade Teachers in terms of G.O.(Ms.).No.216, Finance (Pay Cell) Department, dated 22.03.1993 and G.O.(Ms.)No.69, School Education (M1) Department, dated 18.04.2013, in the light of the orders of the Division Bench in W.A.Nos.1943 of 2012 etc., dated 05.09.2012, confirmed by the Hon'ble Apex Court in SLP (C) C.C.No.2680 of 2013, dated 28.01.2013. The said writ petitions were heard and by common order dated 05.10.2017, the learned single Judge of this Court dismissed the writ petitions at the admission stage itself holding that no fresh writ petitions shall be entertained on and from 09.12.2016 and the present writ petitions have been filed long on 04.10.2017. Challenging the same, the present writ appeals have been filed by the writ petitioners.



W.A(MD)Nos.1485 to 1493 of 2017

WEB COPY

4. The learned counsel appearing for the appellants would submit that several batch of writ petitions and writ appeals filed by the beneficiaries claiming revision of pay scale in terms of G.O.(Ms).No.216, dated 22.03.1993, have been allowed by the Hon'ble Division Bench of this Court, following the earlier orders on the same subject matter. He would further submit that the learned single Judge has dismissed the writ petition placing reliance on the Full Bench judgment reported in (2017) 2 MLJ (FB) that no fresh writ petitions shall be entertained on and from 09.12.2016. The said judgment is not applicable to the case of the petitioner, especially when the subject matter has already been decided by the Hon'ble Supreme Court as judgment in rem. The benefit under the said G.O. is applicable to all the secondary grade teachers. Hence, the object to extend the underlying benefit to all the teachers is absolute and automatic. Hence, he prayed for allowing this writ appeal.

5. Heard the learned counsel for the appellants and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



W.A(MD)Nos.1485 to 1493 of 2017

WEB COPY

6. On perusal of the impugned order, it is seen that the petitioners' claim is a belated one and hence, the learned single Judge of this Court dismissed the writ petitions, relying upon the decision of the Full Bench of this Court in the case of ***Government of Tamil Nadu vs. G.Eswaran*** reported in ***(2017) 2 MLJ (FB)***. Page 24. Challenging the same, these writ appeals have been filed by the writ petitioners relying upon the decision of the Hon'ble Supreme Court in the case of ***State of Karnataka and others vs. N.Parameshwarappa and others*** reported in ***(2003) 12 SCC 192***.

7. In considered opinion of this Court the decision relied by Appellant is not applicable to this case. In the said case entitlement is not dispute here. In the Hon'ble Full bench decided issue of entitlement against the petitioner. The Petitioner is not entitled and also they filed writ petition beyond the cut of date. The Hon'ble Full Bench of this Court has been already decided the issue in Rev.Appln. No.227 of 2015, dated 09.12.2016, with the following directions:

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



W.A(MD)Nos.1485 to 1493 of 2017

WEB COPY 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 56 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 57 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;



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W.A(MD)Nos.1485 to 1493 of 2017

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.*

7.1.This Court is bound by the ration of the Hon'ble Full Bench of this Court and only after 01.03.2017, the petitioners have filed this writ petition, and hence, they are not entitled to any relief and the same has been correctly decided by the writ Court. Therefore, there is no grounds to interfere with the order of the writ Court.

8.In the result, these Writ Appeals are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]
11.03.2024

akv/vsg



W.A(MD)Nos.1485 to 1493 of 2017

WEB COPY

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Finance (Pay Cell) Department,
Fort St. George, Chennai 600 009.
- 3.The Director of School Education,
College Road, Chennai 600 006.
- 4.The Chief Educational Officer,
Ramanathapuram District.
- 5.The Chief Educational Officer,
Madurai District.
6. The District Educational Officer,
Madurai, Madurai District.
- 7.The Chief Educational Officer,
Sivagangai District.
8. The Additional Government Pleader,
Madurai Bench of Madras High Court, Madurai.



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W.A(MD)Nos.1485 to 1493 of 2017

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