



W.A(MD)No.785 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM:

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

W.A(MD)No.785 of 2017  
and  
C.M.P(MD)No.5606 of 2017

1. The Secretary to Government,  
School Education Department,  
Fort St.George, Chennai-6.

2. The Director of Elementary Education,  
Chennai.

3. The District Elementary Educational Officer,  
Sivagangai District,  
Sivagangai.

4. The Assistant Elementary Educational Officer,  
Devakottai,  
Sivagangai District.

... Appellants

vs.

P.Pugalendhi

... Respondent

**PRAYER :** Appeal filed under Clause XV of Letters Patent, against  
the order passed in W.P(MD)No.2596 of 2015 dated 26.02.2015.

Page No.1 of 7



WEB COPY



W.A(MD)No.785 of 2017

For Appellants : Mr.D.Sadiq Raja  
Additional Government Pleader

### **JUDGMENT**

[Judgment of the Court was made by  
**MRS.V.BHAVANI SUBBAROYAN.J.]**

Challenging the order passed in W.P(MD)No.2596 of 2015 dated 26.02.2015, the Education Department has filed this appeal.

2. The respondent/writ petitioner was appointed as Secondary Grade Teacher on 01.07.1977 and he was granted selection grade on 01.07.1987 on completion of 10 years of service in the said post. He was promoted as Elementary School Headmaster on 03.11.1994 and Middle School Headmaster on 21.09.1998. The wit petitioner attained the age of superannuation on 01.07.2010. According to the writ petitioner, since there were lot of litigations on the ground that teachers after serving for more than 15 years when promoted as Elementary School Headmaster were losing their service and they have to start afresh in the promoted post of Elementary School Headmaster and pursuant to the orders passed by the Tamil Nadu Administrative Tribunal and the Principal Seat of this



**W.A(MD)No.785 of 2017**

Court, the Government issued G.O.Ms.No.234, dated 10.09.2009 directing to give benefit of selection grade/special grade by counting the entire length of service. Though the respondent/writ petitioner requested for pay fixation as per the said G.O., since it was not implemented by the appellants, he filed writ petition and the Writ Court finding that the issue raised in the writ petition is squarely covered by the decision of the Division Bench of this Court in W.A(MD)No.815 of 2010 etc., dated 07.07.2011 allowed the writ petition directing the appellants to extend the benefit of G.O.Ms.No.234 to the respondent and grant all the monetary benefits available to him as per the said G.O. Aggrieved by the said order, the Education Department is on appeal.

3. Though the appellant raised various grounds in the memorandum of appeal, today, when the writ appeal was taken up for hearing, learned Additional Government Pleader appearing for the appellants submitted that the issue involved in this appeal is squarely covered by the Full Bench decision of this Court in Rev.Appln.No.227 of 2015, dated 09.12.2016.



W.A(MD)No.785 of 2017

4. 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 quietus to the issue, the Full Bench held that 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 said G.O. Accordingly, the Full Bench passed the following order:

*"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 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*



W.A(MD)No.785 of 2017

WEB COPY

*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."*

5. In view of the above, the appellants are directed to re-fix the pension and family pension of the respondent alone in the light of the directives of the Hon'ble Full Bench decision (supra) and it is made clear that the respondent is not entitled to the arrears of revised pay scales and the consequential benefits as held by the Full Bench. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this judgment.

6. With the above observation, the writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S.J.,)

(K.K.R.K.J.,)

21.03.2024

Index :Yes / No

Neutral Citation :Yes / No



bala

WEB COPY



W.A(MD)No.785 of 2017

- To
1. The Secretary to Government,  
School Education Department,  
Fort St.George, Chennai-6.
  2. The Director of Elementary Education,  
Chennai.
  3. The District Elementary Educational Officer,  
Sivagangai District,  
Sivagangai.
  4. The Assistant Elementary Educational Officer,  
Devakottai,  
Sivagangai District.



WEB COPY



W.A(MD)No.785 of 2017

**V.BHAVANI SUBBAROYAN, J.**

**and**

**K.K. RAMAKRISHNAN, J.**

bala

**JUDGMENT MADE IN**  
**W.A(MD)No.785 of 2017**  
**DATED : 21.03.2024**