



W.P.(MD).No.26292 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26292 of 2023

M.Subramanian

... Petitioner

VS

1. The Government of Tamil Nadu
Rep. by the Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.

2. The Additional Chief Secretary to the
Government of Tamil Nadu,
Social Welfare and Women Empowerment
(SW.5(1) Department, (Social Defense),
Fort. St. George,
Chennai-600 009.

3. The Director of Social Defence,
Department of Social Defence,
No.300, Purasaivakkam High Road,
Kellys,
Chennai-600 010.

4. The Joint Director of Social Defence,
Department of Social Defense,
No.300, Purasaivakkam High Road,
kellys, Chennai-600 010.

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5. The Superintendent,
Government Children's Home,
Malliputhur,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondent to consider the petitioner representation dated 11.02.2021 and consequently direct the respondents to extent the benefits as per G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993 which was implemented vide G.O.Ms.No. 90, Education Department dated 09.05.2018 and Government letter in No.13791/A2/2017 Commissioner of Social Defence, Dated 24.08.2020 in light of the order of the Hon'ble Division Bench made in W.A.No.3290/2019 dated 23.09.2019 to the petitioner.

For Petitioner

: Mr.K.P.Krishna Doss

For Respondents

: Mr.J.Ashok

Additional Government Pleader

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher seeking a mandamus to confer the benefits as per G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993.



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2. A perusal of the affidavit reveals that the petitioner had joined in service as Secondary Grade Teacher on 15.06.1981. In the year 1991, he was conferred with selection grade. On 01.06.2001, the petitioner was conferred with special grade. The petitioner attained superannuation on 28.02.2011.

3. Claiming the benefits under G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993, the petitioner has sent a representation on 11.02.2021, and the present writ petition has been filed on 01.11.2023.

4. The learned Counsel appearing for the writ petitioner had relied upon the Division Bench judgement of this Court in W.A.No.3290 of 2019 dated 23.09.2019 and he contended that after considering the said Full Bench Judgement in W.A.No.1744 of 2015, the Hon'ble Division Bench of this Court has taken a different view and therefore the petitioner would also be entitled to get the benefits under G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993.



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5. Per contra, the learned Counsel appearing for the 1st respondent had contended that in the case referred by the writ petitioner, the writ petition has been filed in the year 2013, and therefore, the writ petition had been filed within the cut off date fixed by the Hon'ble Full Bench. Hence, there cannot be any quarrel with the order passed by the Hon'ble Division Bench considering the facts of the said case.

6. A perusal of the order passed by the Hon'ble Full Bench reported in 2017(1) CWC 561 reveals that in Para.38, clause 4, of the said Full Bench Judgement reveals that, no fresh writ petitions seeking benefits under G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993 should be entertained on and from 09.12.2016. In the present case, the petitioner had retired on 28.02.2011 and sent a representation on 11.02.2021 and filed the present writ petition before this Court on 01.11.2023, which is clearly outside the cut off date fixed by the Hon'ble Full Bench of this Court.



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7. In view of the above said facts, there are no merits in this writ petition and the writ petition stands dismissed. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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