



W.P.(MD)No.6927 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.6927 of 2019

and

W.M.P.(MD)No.5525 of 2019

P.Meenatchisundaram

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Through its Secretary to Government
Backward Classes, Most Backward Classes
and Minority Welfare Department,
Fort.St.George, Chennai-9.
- 2.The Secretary to Government
State of Tamil Nadu
Finance (Pay Cell) Department
Fort.St.George
Chennai-9.
- 3.The Commissioner of Most Backward Classes
and Denotified Communities
Chepauk, Chennai-5.
- 4.The Joint Director,
Kallar Reclamation,
Madurai-20.
- 5.The Head Master,
Government Kallar Higher Secondary School,
Kondamanaickanpatti,
Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.No.H.2/3950/2016 dated 28.05.2018 and quash the same as illegal and consequent direction may be issued to the respondents to extend the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 in light of the earlier order in W.P.No. 40042 of 2015 dated 20.07.2017 to petitioner's father namely Late.Ponnaiyan within stipulated time.

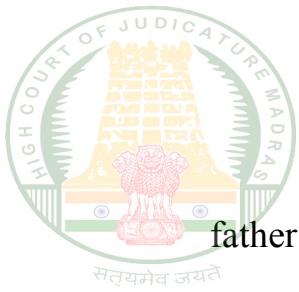
For Petitioner : Mr.T.A.Ebenezer

For R1 to R5 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

ORDER

Under assail is the order dated 25.08.2018 passed by the fourth respondent.

2.The case of the petitioner is that the petitioner's father, namely, Late.Ponnaiyan, was appointed as Higher Grade Teacher on 21.09.1973 in Kallar Reclamation School at Nellore, Nilakottai Taluk, Dindigul District. His father was promoted as Secondary Grade Teacher, on 01.09.1985. On has been awarded selection grade on 01.09.1995. His



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father attained superannuation from the fifth respondent school as Secondary Grade Teacher on 29.02.2004. The petitioner was one among 40 petitioners who has filed writ petition before Principal Bench of Madras High Court in W.P.No.40042 of 2015 praying for extending benefits conferred in G.O.Ms.No.216, dated 22.03.1993. This Court pleased to declare the petitioners therein including petitioner's father are entitled for the benefits granted by the Hon'ble Full Bench in respect of G.O.Ms.No.216 and disposed of the writ petitions in terms of the Hon'ble Full Bench passed orders dated 09.12.2016 by the order dated 20.07.2017. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that instead of passing orders for granting benefits as directed by this Court, the fourth respondent rejected the claim and passed the order impugned by stating that the government orders could not be applied to Kallar Reclamation Schools and also stating that GO.No.90, School Education Department, dated 09.05.2018 could not be applied to the writ petitioner's father and prayed to quash the order impugned. To strengthen his contention, he has relied upon the judgment of this Court in W.P.Nos.3808 of 2016 and etc., batch dated 20.07.2017 to show that



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the writ petitioner's father also one of the writ petitioner thereon and this

Court has disposed of the said writ petitions by following the decision of the Hon'ble Full Bench dated 09.02.2016.

4.Per contra, the learned Additional Government Pleader appearing for the respondents would submit that in paragraph No.3(ii) of GO.Ms.No.216 dated 22.03.1993, it has been specifically stated that in respect of Secondary Grade Teachers in High Schools, there is no promotion post for them as on 28.03.1990, ie., the date of issue of the Government order, although there is promotion post in Primary schools. As a measure of uniformity in respect of all Secondary Grade Teachers, Government direct that the teachers be made eligible for Selection / Special Grade as in Annexure I to the Government Order. He would submit that the writ petitioner's father had got opportunity for the promotion of Elementary Head Master during his service period. But, his service period is totally 19 years in Secondary Grade Teacher and he is not entitled to claim benefit under G.O.Ms.No.216.

5.This Court has considered the submissions made on either side and perused the available records.



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6. Admittedly, in the year 2015, the writ petitioner's father was one among 40 writ petitioners, who had filed writ petitions before the Principal Bench of Madras High Court in W.P.No.40042 of 2015 praying for extension of benefits in terms of GO.Ms.No.216 dated 22.03.1993. This Court was declared that the petitioners therein including the petitioner's father are entitled for the benefits granted by the Hon'ble Full Bench in respect of GO.Ms.No.216 and the said writ petition disposed in terms of the judgment of the Hon'ble Full Bench in Rev.Application No. 227 of 2015 etc., W.A.Nos.1744 of 2015, etc., W.P.Nos.29774 of 2016, etc., and contempt petition Nos.1545 of 2016 etc., batch dated 09.12.2016. The relevant portions of the order dated 20.07.2017 are extracted hereunder:-

2.The Hon'ble Full Bench of this Court, considering all the issues in connection with this Government Order and, rendered a judgment in Rev.Application No.227 of 2015 etc., W.A.Nos. 1744 of 2015, etc. W.P.Nos.29774 of 2016, etc. and Contempt Petition Nos. 1545 of 2016 etc. batch on 9.12.2016 and the relevant portion of the judgment is extracted hereunder:

"Accordingly, we pass the following:



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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.ME.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 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 and we do hope that Government will complete the same as early as the 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,*



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are ordered.

39. With the above directions, all captioned matters viz. Writ Appeals, Writ Petitions, Review Applications are disposed of and the Contempt Petitions are closed. There shall be no order as to costs Consequently, all connected Miscellaneous Petitions are closed."

3. In paragraph 38, sub-clause (4), the Hon'ble Full Bench directed that no fresh writ petition could be entertained on and from 9.12.2016. The learned Special Government Pleader submits that all these batch of writ Petitions were filed before the cut off date of 9.12.2016. Thus, the writ petitioners are entitled for the benefits granted by the Hon'ble Full Bench in respect of G.O.ME.??216 Finance (PC) Department, dated 23.3.1993.

4. Accordingly, all the writ petitions stand disposed of in terms of the judgment of the Hon'ble Full Bench passed in Rev.Application No.227 of 2015 etc., W.A.Nos. 1744 of 2015, etc. W.P.Nos.29774 of 2016, etc. and Contempt Petition Nos. 1545 of 2016 etc. batch dated 9.12.2016. However, there shall be no order as to costs. Consequently, miscellaneous petition is closed.

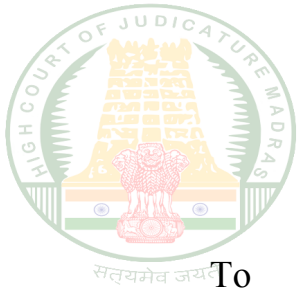


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7. In view of the above said decision, this Court is inclined to quash the order impugned. Accordingly, the order impugned dated 28.05.2018 is hereby quashed and this writ petition is allowed and the fourth respondent is directed to extend the benefits of G.O.Ms.No.216, dated 22.03.1993 in light of the earlier order in W.P.No.40042 of 2015 dated 20.07.2017 to petitioner's father namely Late.Ponnaiyan, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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