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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.DILIP KUMAR

WP(MD) No. 7173 of 2021

CNR:{HCMD010277132021}

S .Bose

..Petitioner(s)

Vs

1. The Secretary to Government,
   School Education Department,
   Secretariat,
   Chennai 600 009

2. The Director Of Elementary Education,
   Dpi Complex,
   College Road,
   Chennai 600 006

3. The District Educational Officer
   O/o. District Educational Officer,
   Virudhunagar District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 3rd respondent in Na.Ka.No.3777/A3/2020 dated Nil.01.2021 signed on 1.3.2021 quash the same and consequently direct the respondents herein to implement the order of the Honourable Division Bench made in WP(MD).No.4918 of 2014 etc., dated 27.7.2015 directing the respondents to extend the benefit of Government Orders in G.O.Ms.No. 210 dated 14.08.2009 to the petitioner. (Prayer amended vide court order dated.13.08.2024 in WMP(MD).14355/2024 in WP(MD).7173/2021 by AQJ)

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For Petitioner(s) :M/s K.Appadurai

For Respondent(s) :M/s.W.Pamelin
Additional Government Pleader
for R1 to R3.

ORDER

This writ petition is filed challenging the proceedings of the 3rd respondent dated 1st March 2021 and for a consequential direction to implement the order of the Honorable Division Bench in WP(MD)No. 4918 of 2014 dated 27th July 2015 and direct the respondents to extend the benefit of G.O.Ms.No.210 dated 14th August 2009.

2. Heard, M/s. K. Appadurai learned counsel appeared for the petitioner and M/s.W. Pamelin, learned Additional Government Pleader appeared for the respondents 1 to 3. Peruse the materials available on record.

3. The writ petitioner admittedly joined as a Secondary Grade Teacher on 11th January 1983 and was given Selection Grade on 01.01.1993 and was in the meanwhile promoted to the post of Middle School Head Master on 18th October 1991 and retired in the said post on attaining the age of superannuation on 31st January 2010. Claiming that the period of service rendered by the writ petitioner in the post of

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Secondary Grade Teacher should be taken into account for conferment of Selection Grade in the promotional post of Middle School Head Master and thus the benefit under *G.O.Ms.No.210*, the writ petitioner claims to have made a representation, which is rejected under the order impugned.

4. The learned counsel would also place reliance upon the earlier judgement of the Division Bench of this Court in ***G. Easwaran and Others vs. Government of Tamil Nadu*** *reported in* **2015 (1) CWC 337** whereby the Government was directed to extend the benefits of the subject Government Order.

5. Per contra, the learned Government Advocate would produce the decision of the Full Bench of this Court in ***The Government of Tamil Nadu v. G. Eswaran and Others***, *reported in* ***2017 (1) CWC 561,*** wherein, the Full Bench had held as follows:

> *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 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 Advocate General and the learned Counsel appearing for the Teachers have fairly acceded to the same. Accordingly, we pass*

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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 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

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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 M.Ps. thereof, are ordered.

6. The above decision of the Full Bench is categorical. The Full Bench had held that the Government shall implement G.O.Ms.No.216 dated 22nd March 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 who attained a Special Grade during the said period on par with the pay scale of Primary School Head Master and the Government was directed to calculate and revise the pension and the Full Bench had also held that the beneficiaries of the said order will not be entitled to arrears of the pay. Thus, the writ petitioner is squarely covered by the said decision.

7. However, M/s. Pamelin, would submit that the above benefits cannot be extended to the writ petitions that are freshly filed after 9th December 2016. Accordingly, she prayed for dismissal of the writ

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petition, since it is filed only in 2021. In reply, the learned counsel for the petitioner would invite the attention of the Court to the earlier order dated 27th July 2015 passed in WP(MD)No. 4918 of 2014 wherein the Writ petitioner is the 1st petitioner. Thus, she would demonstrate that the writ petitioner had earlier come before the Court even in 2014 and the petitioner will not be hit by the cut off date and is covered by the benefits extended in the said decision of the Full Bench in Paragraph-38, (I-III).

8. In light of the categorical pronouncement by the Honorable Full Bench of this Court which is extracted above and since the petitioner even according to the impugned order had come before this Court earlier with WP(MD)No. 4918 of 2014 which was decided on 27th July 2015, the petitioner is well within the cut-off date prescribed by the Honorable Full Bench and accordingly, the petitioner is entitled to the benefits extended by the Full Bench in its order more particularly to the benefits in paragraph-38 (I-III).

9. Accordingly, the writ petition stands allowed and the following directions are issued,

1) The impugned order passed by the 3rd respondent in Na.Ka.No.3777/A3/2020 on January 2021 is hereby *set aside.*

2) The benefits extended by the Honorable Full Bench in

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paragraph-38 (I-III) shall be extended and appropriate order shall be passed by the 3rd respondent within a period of six [6] weeks from the date of receipt of a copy of this order.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

psa

To
1. The Secretary to Government,
   School Education Department,
   Secretariat,
   Chennai 600 009

2. The Director Of Elementary Education,
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N. DILIP KUMAR, J.
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