

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

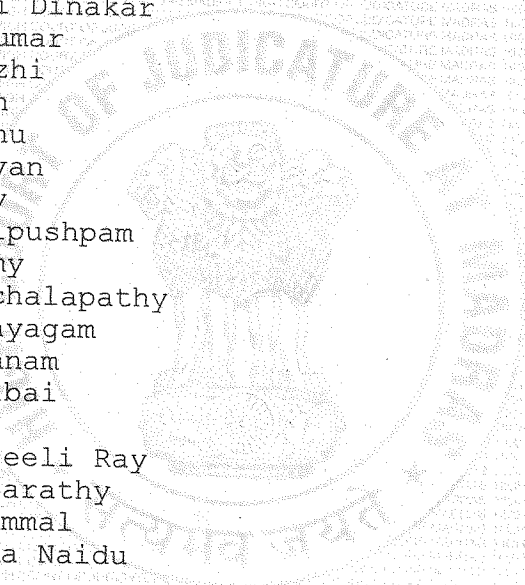
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.42146 & 42169 of 2016

W.P.No. 42169 of 2016

- 1 R.Lazar
- 2 G.Vasantha
- 3 R.Chandra
- 4 R.B.Nalani Dinakar
- 5 E.S.Devakumar
- 6 A.Malarvizhi
- 7 K.Velappan
- 8 S.Pulamuthu
- 9 N.Sathasivan
- 10 N.Rajamony
- 11 M.Sambankipushpam
- 12 S.Veerasingam
- 13 N.Venkatachalapathy
- 14 Ramarajanayagam
- 15 J.Jesurathnam
- 16 A.Kasthuribai
- 17 C.Malika
- 18 Mary Jayaseeli Ray
- 19 V.M.Parthsarathy
- 20 Govindathammal
- 21 G.Krishnama Naidu
- 22 AL.Lakshmi
- 23 S.Johnmary
- 24 N.Venkatraman
- 25 M.Kaliyaperumal
- 26 A.P.Arumugam
- 27 P.Karupannan
- 28 Davamani
- 29 K.Saraswathy
- 30 Devaki.V.R
- 31 S.Arumugam
- 32 S.Lakshmi
- 33 A.Kuppusamy
- 34 S.Neelaya Thakshi
- 35 P.Subramaniam
- 36 K.Gopalakrishnan
- 37 G.Loganathan



38 S.Rosaly
39 L.Selvaraj
40 J.V.Ganesan

..Petitioners

Vs

- 1 The State of Tamil Nadu
Rep by the Secretary To Government
School Education Dept.
For St. George Chennai-600 009
- 2 The Director of School
Education College Road Nungambakkam
Chennai-600 006
- 3 The Chief Educational
Officer Thiruvallur Thiruvallur District
- 4 The Chief Educational
Officer Vellore Vellore District
- 5 The Chief Educational
Officer Kancheepuram Kancheepuram District
- 6 The Cheif Educational Officer
Chennai Chennai District
- 7 The Chief Educational Officer
Erode Erode District
- 8 The Chief Educational
Officer Kanniyakumari Kanniyakumari
District
- 9 The Chief Educational Officer
Viruthunagar Virudhunagar District
- 10 The Chief Educational Officer
Thirupur Thirupur District
- 11 The Chief Educational Officer
Thanjavur Thanjavur District
- 12 The Chief Educational Officer
Nagapattinam Nagapattinam District
- 13 The Cheif Educational Office
Dindigul Dindigul District

..Respondents

Prayer in W.P.No. 42169 of 2016: Directing the respondents to extend the benefit of G.O.Ms.No.216 Finance (PC) Department dt.22.03.1993 in the light of the orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Honourable Supreme Court of India in CC.No.2746 / 2010 dated 23.04.2010 and accordingly award selection / special Grade Scale of Pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners

W.P.No. 42146 of 2016

- 1 P.Nalayini
- 2 K.Kalaimani
- 3 S.Padmavathy
- 4 T.Chinnakani
- 5 A.Palanivelu
- 6 S.Anusuya
- 7 A.Violetmary
- 8 T.Kalavathy
- 9 A.Chandran
- 10 A.Ramakrishnan
- 11 K.Thavamani
- 12 J.Kalaimani
- 13 R.Manonmani
- 14 S.Sivaraman
- 15 I.Patturoja
- 16 S.Ilavarasi
- 17 P.Kanchanamala
- 18 G.Sulochana
- 19 K.Vasudevan
- 20 S.Kothandapani
- 21 K.Jeyakumar
- 22 D.Selvasironmani
- 23 R.Subramanian
- 24 S.Iruthayaraj
- 25 Philip Arockiaraj
- 26 D.Stanley Jayaseelan
- 27 Shanthi Christina A
- 28 A.Kalimullah
- 29 C.Vetrikannan
- 30 K.Ranganathan

..Petitioners

Vs

- 1 The State of Tamil Nadu
Rep. by the Secretary to Government Adi
Dravidar Tribal Welfare Department Fort St.
George Chennai-9.

- 2 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Trichy Trichy District
- 3 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Chennai
- 4 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Kancheepuram Kancheepuram District
- 5 The District Welfare officer
Adi Dravidar Tribal Welfare Department
Nagapattinam Nagapattinam District
- 6 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Thiruvannamalai District
- 7 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Villupuram Villupuram District
- 8 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Cuddalore Cuddalore District
- 9 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Salem Salem District
- 10 The Director
Social Defence Kellys Chennai-10.

..Respondents

Prayer W.P.No. 42146 of 2016 :To directing the respondents to extend the benefits of the G.O.Ms. 216 of Finance (PC)Department dated 22.3.1993 in the light of orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Supreme Court of India in CC No.2746/2010 dated 23.4.2010 and accordingly award selection/special grade pensionary benefits and pay arrears immediately to the petitioners

For Petitioners :: M/s. V.Thirupathi
(in both WPs)

For Respondents :: Mrs. P.Kavitha, Government Advocate
For RR1 to 13 in WP.NO.42169 of 2016
Mr.J.Ramesh, Additional Government Pleader
For RR1 to 10 in WP.NO.42146 of 2016

COMMON ORDER

The prayer sought for in these writ petitions is to direct the respondents to extend the benefits of the G.O.Ms. 216 of Finance (PC) Department dated 22.3.1993 in the light of orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.7.2009 confirmed by the Honourable Supreme Court of India in CC No.2746/2010 dated 23.4.2010 and accordingly award selection/special grade scale of pay with effect from 1.6.1988 and revision of pensionary benefits and pay arrears.

2. The case of the petitioners is that they were appointed as Secondary Grade Teachers/Special Teachers in the High School/Higher Secondary Schools. On completion of 10/20 years of service, they were awarded Selection /Special Grade scale of pay in the pay scales applicable to the secondary grade teachers and retired from service without any promotion. They are eligible for Selection/Special Grade Scale of Pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears as per G.O.Ms. No. 216, Finance (PC) Department, dated 22.03.1993.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents and perused the documents available on record.

4. The learned counsel appearing for the petitioners submitted that in order to have a measure of uniformity in respect of all Second Grade Teacher placed in the primary school and High/Higher Secondary Schools, the Government have issued G.O.Ms.No. 216 Finance Department dated 22.03.1993, thereby Secondary Grade employed under High School were also eligible for the scale of pay on par to the scale of pay of the promotional post under primary schools Primary School Head Masters since Secondary Grade Teachers under primary schools had promotional opportunity and awarded higher scale of pay than the Secondary Grade Teachers under High/Higher Secondary School awarded with Selection/Special Grade Scale of Pay. The aforesaid G.O.Ms.No. 216 Finance (P.C) Department dated 22.03.1993 is still in force today and also affirmed by the Apex Court as well.

5. The learned Government Advocate submitted that in the light of the judgment passed by the Hon'ble Full Bench of this Court, reported in 2017 (2) MLJ 257 (Rev.Appln. 227 of 2015 etc., batch, dated 09.12.2016), the petitioners' claim can be considered and concerned District Educational Authorities may be directed to pass appropriate orders.

The relevant portion of the Judgment is extracted below;

"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 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 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 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;

39. With the above directions, all the 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."

Therefore, by recording the submissions made by the learned Government Advocate and in the light of the decision made by the Hon'ble Full Bench of this Court cited supra, this Court is inclined to issue following directions;

- i. Petitioners are directed to make representation within a period of four (4) weeks from the date of receipt of a copy of this order.
- ii. On receipt of such representations, the Director of School Education shall consider the same in the light of the aforesaid decision of the Hon'ble Full Bench, in accordance with law, on merits within a period of twelve (12) weeks thereafter.


With the above directions, these writ petitions are allowed.

No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//


Sub Assistant Registrar

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To

1

The Secretary To Government
School Education Department
For St. George Chennai-600 009

2. The Secretary to Government Adi
Dravidar Tribal Welfare Department Fort St.
George Chennai-9.
- 3 The Director of School
Education College Road Nungambakkam
Chennai-600 006
- 4 The Chief Educational Officer
Thiruvallur Thiruvallur District
- 5 The Chief Educational Officer
Vellore Vellore District
- 6 The Chief Educational Officer
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- 22 The District Welfare Officer
Adi Dravidar Tribal Welfare Department
Salem Salem District
23. The Director
Social Defence Kellys Chennai-10.

+1cc to Mr.V.Thirupathi, Advocate SR.No. 16885
+1 cc to Government Pleader Sr.No. 17787

W.P.Nos.42146 & 42169 of 2016

A.SK(20/07/2020)

46490

B2
WPNO. 42169/16

P.K.T.S.R.

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H COURT OF JUDICATURE
MADRAS

17787

Copy application
made 28 feb 2020

Not Returned

Not Represented

Ready 4/8/2020

27/8/2020

mf
27/8/2020

Chief Clerk