



WEB COPY



WA No. 457 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 457 of 2025
& CMP.No.3806 of 2025
& CMP.No.2673 of 2026**

1. The Secretary to Government,
Government of Tamil Nadu,
Finance Pay Cell Department,
Secretariat Building,
Chennai - 600 009
2. The Additional Director General of Police
(Intelligence),
Office of the Director General of Police,
Chennai - 600 004.

..Appellant(s)

Vs

1. N.Devika
2. The Principal Accountant General (A & E)
Office of the Principal Accountant General
(A & E), 361, Anna Salai, Teynampet,
Chennai – 600 018.

..Respondent(s)

Prayer: The Writ Appeal has been filed under Clause 15 of the Letters Patent seeking to set aside the order dated 27.06.2024 made in WP No.7933 of 2022.

For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Ms.G.Kiruthika for Caveator for R1



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JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The writ order dated 27.06.2024, passed in W.P.No.7933 of 2022, is under challenge, in the present intra-Court appeal, preferred by the State.

2.The first respondent instituted a Writ Petition challenging the order of cancellation of re-fixation done in her favour.

3.The first respondent retired voluntarily on 16.11.2020. Her pay was fixed based on the pay rules and Government Orders in force. Since the first respondent found that the re-fixation of pay granted, is in order, and its cancellation is perverse, she filed a Writ Petition. The revision of pay granted in favour of the first respondent was cancelled based on the remarks of the Accountant General of Tamil Nadu.

4.The learned Government Counsel would mainly contend that the Accountant General of Tamil Nadu verified the correctness of the re-fixation made and based on the objections raised, the re-fixation of pay was cancelled and pay applicable to the first respondent was fixed and



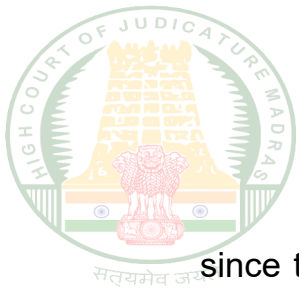
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excess pay received by the first respondent is sought to be recovered through impugned proceedings dated 19.02.2022.

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5.The learned counsel for the first respondent would oppose by stating that the first respondent's pay was fixed in accordance with the pay rules. There was no error in fixation of pay. Thus, cancellation based on the objection raised by the Accountant General of Tamil Nadu, is improper and the Writ Court considered the said ground and allowed the Writ Petition. She would further submit that the objection raised by the Accountant General as well as the exercise carried out by the appellants is without considering Rule 4(i)(iii) of the Tamil Nadu Revised Pay Rules, 2009. The said ground was considered by the Writ Court.

6.This Court is of the considered view that fixation of pay is a complex issue and the exercise is to be done by the establishment well versed with fixation of pay. Even in case of error established or the revision of pay or its cancellation is found to be unjust, the High Court has to direct the authorities to reconsider the fixation by verifying its correctness. Contrarily, the High Court, in exercise of the powers of Judicial Review, is not expected to declare that a particular scale of pay has to be granted to a Government Servant, which may cause prejudice,

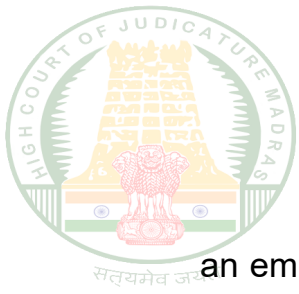


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since the High Court is not an expert in fixation of pay matters, which is complex. The eligibility of the individual for fixation is to be considered based on service records and other details and therefore, merely based on the pleadings, such an exercise cannot be undertaken by the High Court.

7.*Per Contra*, the order impugned says that the additional fitment table is applicable only to the post in which ordinary scales of pay have been revised based on the recommendations of One Man Commission accompanied by corresponding change from one pay band to another pay band, which is not applicable for fixation of pay of selection grade holders. In the present case, the first respondent was awarded selection grade pay and was receiving the same and therefore, the Accountant General raised an objection.

8. In any angle, the High Court cannot adjudicate the disputed issues related to pay fixation. When it is disputed, the Court may direct the authorities to revisit the fixation and to find out its correctness, in accordance with the pay rules and Government norms. Declaration of fixation of pay by the High Court is unnecessary and there is likelihood of error creeping in. However, recovery of excess pay already made to



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an employee is concerned, the same may be set aside, since there is no misrepresentation on the part of the first respondent. In the event of effecting recovery, the same may result in hardship, more so, the first respondent is a pensioner, recovery, if effected, may affect her livelihood.

9.Considering the above factum, the Writ Appeal is allowed and consequently, the impugned Writ Order dated 27.06.2024, passed in W.P.No.7933 of 2022, is set aside. However, the appellants are directed to once again verify the correctness of the fixation of pay made to the first respondent and ensure that the pay fixed to the first respondent is in consonance with the pay rules and Government Orders in force. The recovery of excess pay shall not be made and even if any amount has already been recovered, the said amount is directed to be refunded to the first respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
10-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No
TSG



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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

TSG

To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance Pay Cell Department,
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