



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.17789 of 2025

E.Prabakaran

... Petitioner

-VS-

1. The Registrar General,
High Court,
Chennai – 600 104.
2. The Principal Accountant General
(Accounts and Entitlement) Tamil Nadu,
Chennai - 600 018.
3. The Subordinate Judge
Gudiyattam,
Vellore District.

... Respondents

Prayer: To call for the records on the file of the 2nd Respondent in PO2/4/10225734/ADK dated 20.02.2020 and quash the same as illegal incompetent without Jurisdiction and further directing the respondents to revise the pay scale as per the vide Government letter No.63305/Pay Cell/2010-1 dated 08.11.2010 Finance Department based G.O.Ms.No.234, Finance (PC) Department dated 01.06.2009 and disburse the amounts and together arrears.

For Petitioner:

Mr.A.Aashik Kareem

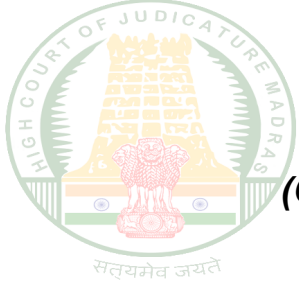
For Mrs.V.Srimathi

For Respondents:

Ms.N.K.Kanthimathi for R1 & R3,

Mrs.V.Kanchana

For Mr.V.Vijay Shankar for R2

**ORDER*****(Order of the Court was made by S.M.Subramaniam,J.)***

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The present Writ Petition has been instituted, challenging the proceedings of Principal Accountant General (Accounts and Entitlement) Tamil Nadu dated 20.02.2020.

2. The petitioner joined Tamil Nadu Ministerial Service on 02.09.1985, served as Senior Bailiff and retired on 28.02.2013. Long after his retirement, he made a representation to Authorities, seeking revision of pay. The Accountant General through impugned proceedings dated 20.02.2020 informed petitioner that Grade Pay of Selection Grade Senior Bailiff is restricted to Grade Pay of 1st level of promotional post, i.e., Assistant as Rs.2800/- as per Government Letter No.49470/PC/90-I Fin PC dated 14.09.1990 r/w Para 4 (ii) of Government Letter No.63305/PC/10-I dated 18.11.2010. Hence, Grade Pay of Rs.4200/- is not admissible for Selection Grade Senior Bailiff in the case of Writ Petitioner.

3. At the first instance, there was an enormous delay on the part of petitioner in approaching Authority as well as Court. He retired in the year 2013, approached Authority in 2019 and Accountant General of Tamil Nadu informed petitioner that he is not eligible for grant of Grade

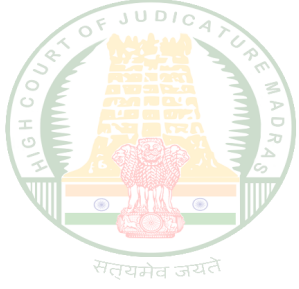


Pay of Rs.4200/- on 20.02.2020. The said Order came to be challenged after a lapse of five years in the present Writ Petition. Therefore, Writ Petition is liable to be rejected on the ground of laches.

4. Even then, this Court, on examination of facts found that issue raised in the Writ Petition is no more *res integra*. Petitioner submitted a representation, relying on the order dated 20.12.2017 passed in W.P.(MD) No.12104 of 2017. Against the order Order, Registrar General, High Court, Chennai preferred Rev.A.Writ (MD) No.108 of 2025 and a Division Bench of Madurai Bench of Madras High Court passed the following orders:

“3. The learned counsel appearing on behalf of the review petitioner would submit that an error was apparently crept in view of the fact that the very issue relating to fixation and re-fixation of pay was not considered, which resulted in filing of the present Review Application. That apart, the writ Court has not considered the conditions imposed in para 4 of the Government Clarificatory Letter No.63305/Pay Cell/2010-1, dated 08.11.2010. Clause 4 (i) of the said Clarificatory Letter reads as under:-

“i) The revised Selection Grade / Special Grade scales of pay in the case of employees awarded Selection Grade / Special Grade prior to 1-1-2006 and in whose cases the Ordinary Grade scales of pay have been revised based on the recommendations of One Man Commission / further order of Government thereon shall be fixed as per the scales of pay indicated in the Annexure -1 to this letter following the same methodology of fixation of pay in the Selection Grade / Special Grade scales of pay of employees as was done in Pre-2006 scales of pay as indicated in Appendix - II of G.O.Ms.No.162, Finance (PC) Department, dated 13.04.1998 subject to the same

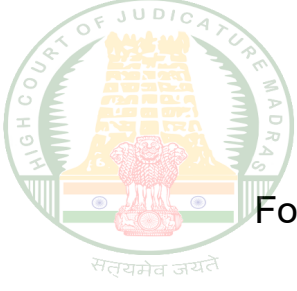


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condition stipulated therein that if the revised Selection Grade / Special Grade scales of pay indicated in the Annexure-I happens to be higher than the first level / second level promotion posts, then in such cases only the revised Selection Grade /Special Grade scales of pay should be restricted to the level of their first level and second level promotional posts respectively."

4. Undoubtedly, while granting the benefit of Selection Grade, the pay fixing authority should take into consideration that the Selection Grade pay shall not exceed the next level promotional pay applicable to the particular employee. In the present case, the post of Reader and Junior Assistant carry the identical scale of pay. The next level promotion post is Assistant. But in the re-fixation of pay done in favour of the first respondent exceeded the pay scale applicable to the post of Assistant and that is the reason why, the authorities revised the fixation by imposing recovery. The Writ Court quashed the same, which is deserves no excess cannot be recovered after long time. 5. However, regarding re-fixation, the Writ Court has not considered the Government Letter, which may result in larger repercussion in the event of allowing the first respondent to get over and above the pay applicable to the promotional post of Assistant. Selection Grade is to be fixed in respect of the scale of pay applicable to the next level promotion post. Thus, the re-fixation done in the impugned order is in consonance with the recommendations of the Pay Commission and the condition imposed in the clarificatory letter as stated above. Therefore, the writ order dated 20.12.2017 stands modified with reference to the re-fixation of pay done in the impugned order. As far as the recovery is concerned, the order of the Writ Court is in accordance with the principles and we are not inclined to interfere with the same. With these modifications, the review petition stands allowed in part. No costs."

5. Admittedly, Writ Order relied on by Petitioner in his representation was reviewed by Division Bench of this Court. Therefore, the petitioner is ineligible to claim Grade Pay of Rs.4200/-, as rightly informed by Accountant General of Tamil Nadu in the impugned proceedings dated 20.02.2020.



For foregoing reasons, Writ Petition is dismissed. No costs.

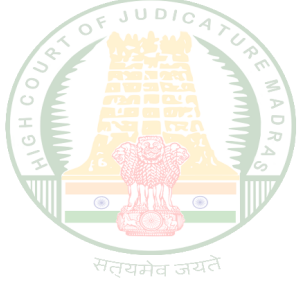
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(S.M.S.,J.) (N.S.,J.)
27-07-2026

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

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