



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

WP No. 16893 of 2021

and

W.M.P.No.22245 of 2021

K.Navukkarasu (Retd Estate Clerk)
S/o. V. Kalimuthu, Old No. 10, New No. 21,
Kannagi Street, Anna Nedumpathai,
Choolaimedu, Chennai - 600 094.

..Petitioner(s)

Vs

The Administrator General and Official Trustee of
Tamil Nadu
City Civil Court Annex Building, High court
Campus, Chennai - 600 104.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the Respondent bearing Dis No. 999 / 2021 / S7 dated 17.06.2021 and quash the same and consequently direct the Respondent to disburse the Retirement benefits including Death Cum Retirement Gratuity, VII Pay Commission Arrears and Pensionary benefits from 01.06.2018 till this day.

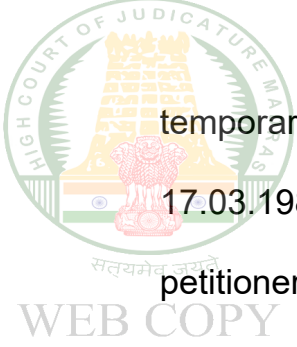
For Petitioner(s): Mr.K.Venkateswaran

For Respondent(s): Mr. M.R.Jothimanian
for R1.

ORDER

The present writ petition has been instituted challenging the order dated 17.06.2021 issued by AG&OT and to disburse the terminal benefits.

2. The writ petitioner was appointed as Estate Clerk by AG&OT on



temporary basis on consolidated pay salary vide proceedings dated 17.03.1989. He had retired from service on 31.05.2018. The services of the petitioner are utilised for collection of rent in respect of the properties belongs to the Trust of MM Charities (Maligai Merchant Charities). The appointment order dated 17.03.1989 would show that the petitioner was appointed temporarily on consolidated pay salary of Rs.600/- per month and the services are liable to be discharged at any time without prior notice and without assigning any reason. However, on account of long service rendered by the petitioner, allowances and other benefits were also granted to him along with the salary. He served till 2018 and after a lapse of 3 years from the date of his retirement, he filed the present writ petition claiming terminal benefits.

3. The petitioner states that he is entitled for the scale of pay and monetary benefits based on the VII Pay Commission revision as done to the government servants by the Government of Tamil Nadu.

4. The very claim set out in the writ petition is untenable in view of the fact that the writ petitioner is not a government servant nor the government pay commission revision effected by the Government of Tamil Nadu is applicable. Pertinently, the Pay Commission benefits are neither adopted in respect of such Clerks engaged by AG&OT or order has been passed extending the benefit of Pay Commission to the writ petitioner while he was in service. It is an appointment made by AG&OT to look after the property and to recover the rent, for which, the salary was fixed by the AG&OT and other allowances are fixed and paid to him.



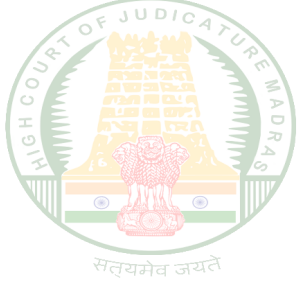
5. Learned counsel for the respondent would submit that the petitioner has involved in misappropriation of funds of the Estate to the tune of Rs.4,55,875/- and after initiating disciplinary proceedings, the said misappropriated amount was recovered from his terminal benefits. His terminal benefits were calculated as Rs.5,19,013/- and after deducting the misappropriated amount, balance amount was settled in his favour. Thus, he is not entitled for any further benefits from the AG&OT.

6. In the absence of any agreement/ service condition regarding payment of terminal benefits by applying the government scale, High Court in exercise of power of judicial review, cannot extend the government pay benefits to a Clerk engaged by AG&OT to look after the Trust properties. Thus, the very basis for institution of the present writ proceedings is misconceived and thus, the petitioner is not entitled for the relief as sought for in the present writ petition. Consequently, the Writ Petition stands dismissed. No costs. The connected miscellaneous petitioner is closed.

17-07-2026

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

VSI
To
The Administrator General and
Official Trustee of Tamil Nadu
City Civil Court Annex Building,
High court Campus, Chennai - 600 104.



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S.M.SUBRAMANIAM, J.

vsi

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