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W.A.NO.413 OF 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**W.A.NO.413 OF 2026
AND
CMP NO.3799 OF 2026**

C.Angusamy

... Appellant

Vs.

1.The Government of Tamil Nadu
Rep. By its Secretary to Government
Finance (PC) Department
Fort St. George, Chennai – 600 009.

2.The Tamil Nadu Pollution Control Board
Rep. By its Member Secretary
No.76, Anna Salai,
Guindy, Chennai – 600 032.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 05.04.2024 passed in W.P.No.775 of 2023.

For Appellant	:	Mrs.Rita Chandrasekar for M/s.Aiyar and Dolia
For Respondent - 1	:	No appearance
For Respondent - 2	:	Mr.P.V.Balasubramanian Additional Advocate General Assisted by Mrs.Madhuri Donti Reddy



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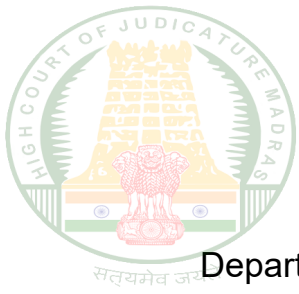
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J U D G M E N T

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

Under assail is the writ order dated 05.04.2024 passed in W.P.No.775 of 2023. The writ petitioner is the appellant before this Court.

2.The writ petitioner was appointed as a Driver. The issue that arose for consideration pertains to the grant of Selection Grade and Special Grade in the post of Driver. The second respondent Board applying the pay re-fixation, based on the Government Order in G.O.Ms.No.162, Finance (Pay Cell) Department, dated 13.04.1998, re-fixed the scale of pay of the Drivers for grant of Selection Grade and Special Grade. Wrong fixation was corrected and excess salary paid was directed to be recovered. Aggrieved, the Drivers approached the writ Court. The writ Court set aside the order of recovery stating that there was no misrepresentation on the part of the employees. However, there was an undertaking by the employees. Still the Court ordered for refund of the excess salary paid and recovery from those employees. Regarding re-fixation, the Court held that it has to be done in accordance with the Government Order issued in G.O.Ms.No.162, Finance (Pay Cell)



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Department, dated 13.04.1998. In other words, the fixation done by the second respondent in accordance with G.O.Ms.No.162 has been upheld.

3.The learned counsel for the appellant would mainly contend that in respect of the re-fixation and recovery, a Special Leave Petition in SLP (C) No.35969 of 2009 was filed and the Hon'ble Supreme Court dismissed the Special Leave Petition filed by the Government on 25.02.2015. Since the order of re-fixation was confirmed by the Supreme Court, the present appeal is to be considered.

4.The learned Additional Advocate General appearing on behalf of the second respondent would oppose by stating that subsequent to the dismissal of the Special Leave Petition at the admission stage, by the Apex Court, by order dated 25.02.2015, the issue was elaborately considered by the Apex Court in regular Civil Appeal Nos.9533-9537 of 2019 and an elaborate judgment was delivered on 18.12.2019. In the said judgment, reference has also been made to the dismissal of SLP (C) No.35969 of 2009. The Supreme Court while considering the validity of G.O.Ms.No.162, held as follows:



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“24.Thus, it is evident that the Appellants cannot claim the Selection Grade and Special Grade scales of pay of Rs.5000-8000 and Rs.5500-9000 respectively, solely on the strength of earlier decisions of the High Court, without showing how they, themselves, are entitled to such benefit in the first place. In such a situation, we are of the considered view that the Appellants can only be granted the benefit of the Selection Grade and Special Grade scales of pay to which they are lawfully entitled in terms of G.O.Ms.No.162, i.e., Rs.4000-6000 and Rs.4300-6000 respectively.”

5.Since the Supreme Court in its elaborate judgment has confirmed the validity of G.O.Ms.No.162, the second respondent – Board has followed the said Government Order issued in G.O.Ms.No.162 for grant of Selection Grade and Special Grade to the Drivers working in the second respondent – Board. In the present case, the writ Court also quashed the recovery proceedings alone and regarding the re-fixation of pay, the same is upheld by the writ Court, which was done by the second respondent, in accordance with G.O.Ms.No.162.



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6.This Court is of the considered view that the recovery was quashed considering the fact that the Drivers are working as Grade – III employees and recovery at this length of time, would result in hardship. However, as far as fixation or re-fixation of pay is concerned, the authorities are empowered to correct it, at any point of time, and no employee is entitled to receive excess payment, which would result in unjust gain and financial loss to the exchequer. In the present case, the revised pay was corrected in accordance with G.O.Ms.No.162 and the said re-fixation is upheld by the Writ Court which cannot be considered as faulted or interfered by this Court. Accordingly, the writ appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S., J.]

[N.S., J.]

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes / No
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S.M.SUBRAMANIAM, J.

AND

N.SENTHILKUMAR, J.

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To

- 1.The Secretary to Government
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