



W.P.(MD) No.4396 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.4396 of 2023

M.Panneer Selvam

... Petitioner

-VS-

1.The Secretary to Government
Finance Department (T&A)
Secretariat, Chennai-600 009

2.The Director General of Police
Crime Branch CID
Chennai-600 008

3.Deputy Inspector General of Police
Crime Branch CID
Chennai-600 008

4.The Accountant General
The Accountant General Office (A&E)
No.361, Anna Salai
Chennai-600 018

5.The District Treasury Officer
Office of the District Treasury Office
Thanjavur District, Thanjavur

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the second respondent dated 11.10.2021 in Na.Ka.No.B-3/211/011681/2021 A.No. 439/2021 for recovery of Rs.1,82,817/- and fourth respondent in No.P05/10530142/PPO No.R0530142/P dated 30.07.2021 fixing the last drawn pay as Rs.57,400/- instead of Rs.59,100/- and quash the same and consequently, direct the second respondent to refund the recovered amount of Rs.1,82,817/- with interest, further, to revise the last drawn pay from 57,400 and fix it as Rs.59,100/- and to fix the monthly pension amount calculated from Rs.59,100/- and grant arrears of pension amount pursuant to the fixation of pension amount calculated as 59,100/- from 31.05.2021 and further direct the second respondent to grant selection grade increment for completing ten years in service as Special Sub Inspector of Police.

For Petitioner : Mr.C.Santhosh Kumar

For Respondents : Mr.C.Jeganathan
Counsel for Govt. of Tamil Nadu for R1 to R3 & R5
Mrs.S.Mahalakshmi for R4



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ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus calling for the records relating to the proceedings of the second respondent dated 11.10.2021 bearing Na.Ka.No.B-3/211/011681/2021 A.No. 439/2021, for recovery of Rs.1,82,817/- and the fourth respondent bearing No.P05/10530142/PPO No.R0530142/P dated 30.07.2021 fixing the last drawn pay as Rs.57,400/- instead of Rs.59,100/-, to quash the same and consequently, to direct the second respondent to refund the recovered amount of Rs.1,82,817/- with interest, to revise the last drawn pay from Rs.57,400/- and to fix it as Rs.59,100/- and to fix the monthly pension amount calculated from Rs.59,100/- and grant arrears of pension amount pursuant to the fixation of pension amount calculated as Rs.59,100/- from 31.05.2021 and to direct the second respondent to grant selection grade increment for completing ten years of service as Special Sub Inspector of Police.

2. *Vide* proceedings dated 11.10.2021, the second respondent herein revised the pay of the petitioner duly withdrawing the stepping up of pay granted in his favour *vide* proceedings dated 09.12.2013, on the ground



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that the stepping up of pay has not been recorded in the service register of the petitioner. Consequently, the pay of the petitioner has been revised and accordingly the fourth respondent herein issued a pension payment order dated 30.07.2021 fixing the pension of the petitioner at a reduced rate while treating the pay of the petitioner as Rs.57,400/- instead of Rs.59,100/-. Hence petitioner has challenged the said proceedings dated 11.10.2021 and the pension payment order dated 30.07.2021, on the ground that the same have been issued without affording any opportunity to the petitioner and also seeking to recover an amount of Rs.1,82,817/- contrary to the law laid down by the Honourable Apex Court in the case of ***State of Punjab and others vs. Rafiq Masih (White Washer) and others***, reported in ***(2015) 4 SCC 334***. Besides the above relief, the petitioner also sought for awarding of selection grade for completion of ten years of service in the post of Special Sub Inspector of Police.

3. The third respondent filed a counter-affidavit, while reiterating the reasons assigned in the impugned proceedings dated 11.10.2021 and also stating that the petitioner's pay has been stepped up on par with his junior erroneously, though the petitioner is not entitled to it. It is also further stated that the so-called junior of the petitioner has been awarded two advance



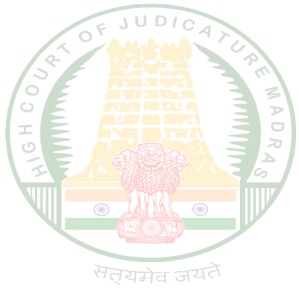
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increments for having passed Tenth and Twelfth Standards, whereas the petitioner being a SSLC fail candidate. Thus, it is contended that the stepping up of pay of the petitioner is erroneous and therefore, the same was rightly withdrawn.

4. Be that as it may, the impugned proceedings dated 11.10.2021, has been issued by the second respondent without putting the petitioner on notice, that too while ordering for recovery of an amount of Rs.1,82,817/-. Whether the stepping up of pay of the petitioner has been done on any misrepresentation of the petitioner or by playing any fraud or not etc., are all matters to be considered by the second respondent. But, in the instant case, the second respondent, without affording any opportunity to the petitioner, straightaway issued the impugned proceedings dated 11.10.2021 resulting in issuing a consequential proceedings dated 30.07.2021 by the fourth respondent herein, after the petitioner attained the age of superannuation.

5. In the circumstances, the impugned proceedings dated 11.10.2021, issued by the second respondent, cannot be sustained for want of compliance with the principles of natural justice. Consequently, the pension payment order dated 30.07.2021, passed by the fourth respondent, basing



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upon the above proceedings of the second respondent dated 11.10.2021, also cannot stand as it is.

6. Accordingly, the impugned proceedings dated 11.10.2021 issued by the second respondent, is hereby quashed and the matter is remanded back to the second respondent for passing appropriate orders afresh strictly in accordance with law and by duly affording an opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order.

7. Once the second respondent passes an order on remand, the fourth respondent shall revise the proceedings dated 30.07.2021 and release any amounts that may be become due to the petitioner, within a period of four weeks from the date of passing of the order by the second respondent, as directed above.

8. Insofar as the claim of selection grade made by the petitioner for completion of ten years of service in the post of Special Sub Inspector of Police is concerned, the authority concerned shall consider the representation stated to have been submitted by the petitioner seeking selection grade and



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pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

14.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The Secretary to Government,
Finance Department (T&A),
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Crime Branch CID,
Chennai-600 008.
- 3.Deputy Inspector General of Police,
Crime Branch CID,
Chennai-600 008.
- 4.The District Treasury Officer,
Office of the District Treasury Office,
Thanjavur District, Thanjavur.



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MUMMINENI SUDHEER KUMAR, J.

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