



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

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THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 17277 of 2019
and W.M.P.No.16812 of 2019**

1. G.M.Duraisamy
S/o.Murugappan, 1/327, Annai Indira
Street, Chettiar Road, Chitrai Dist,
Vellore - 632 002.

Petitioner(s)

Vs.

1. The Principal Secretary to
Government
Finance Pay Cell Department,
Secretariat, Fort St.George, Chennai -
600 009.

2.The Principal (AG)
Accountant General (A and E),
Chennai.

3.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai, Nandanam, Chennai -
600 035.

4.The Executive Engineer,
Agricultural Engineering Department,
Vellore.



5. The Assistant Executive Engineering
(A.E.D)

44, Pudupet Road, Tirupattur, Vellore
District.

Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the Fifth respondent herein pertaining to his proceedings E/ 1215/ 2015 dated 13.02.2018 and quash the same and to direct the respondents to restore the order No.E/ 1215/ 2015 dated 17.10.2015 and accordingly restore the refixation of Selection Grade Scale of Pay in the post of Senior Tractor Driver at Rs.9300/- 34800 + Grade Pay Rs. 4300 and to grant him all consequential monetary benefits within a limited time frame.

For Petitioner(s): M/s.M.Ravi

For Respondent(s): Mr.T.Chezhiyan,
Additional Government Pleader
for R1, 3 to 5
M/s.Manorajan
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**ORDER**

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This writ petition has been filed to quash the proceedings of the fifth respondent in E/ 1215/ 2015 dated 13.02.2018 and consequently to direct the respondents to restore the order No.E/ 1215/ 2015 dated 17.10.2015 and accordingly restore the refixation of Selection Grade Scale of Pay in the post of Senior Tractor Driver at Rs.9300/- 34800 + Grade Pay Rs. 4300 and to grant the petitioner all consequential monetary benefits.

2. The petitioner has retired from service on 28.02.2009 on his attaining the age of superannuation. The petitioner came to know that due to the audit objection raised by the second respondent, the fifth respondent has issued the impugned proceedings demanding the petitioner to refund a sum of Rs.30,822/- representing the excess payment and by revising the pay of the petitioner.

3. Mr.M.Ravi, the learned counsel for the petitioner, submitted that the above exercise has been done without giving any notice to the petitioner and the refixation has deprived the petitioner the benefit he already availed in pursuant to the Government Order in G.O.Ms.No.240 Finance (Pay Cell Department) dated 22.07.2013. The second respondent has raised an objection stating that the petitioner has not given the option for revision of pay in accordance with G.O.Ms.No.240 Finance (Pay Cell Department) dated 22.07.2013, within a period of six months and hence he is not entitled to the benefits of the said Government Order. By accepting the audit objection the fifth respondent has



also issued a revised proceedings by reducing the pensionary benefits and by claiming recovery. However, before issuing the above proceedings the petitioner has not been given with an opportunity to make his submissions.

4. Mr.P.Manorajan, the learned Standing counsel for the second respondent submitted that the petitioner has been given with the option of revision of pay for a period of six months. Only because of that the fifth respondent has allowed him the benefit of G.O.Ms.No.240 Finance (Pay Cell Department) dated 22.07.2013 and hence it is not fair to reduce the petitioner's pay by refusing the same.

5. As the fifth respondent has cancelled his own proceedings allowing the benefit to the petitioner under G.O.Ms.No.240 Finance (Pay Cell Department) dated 22.07.2013, without giving him any opportunity, I can only consider the impugned proceedings itself as the notice issued to the petitioner in order to given an opportunity to him to make his submissions. After the petitioner makes any submission, it is up to the fifth respondent to reconsider and pass orders and also clarify the second respondent as to the correctness of allowing the petitioner to get the benefit under G.O.Ms.No.240 Finance (Pay Cell Department) dated 22.07.2013.

6. In view of the same, this writ petition is disposed and the impugned



order dated 13.02.2018 in E/1215/2015 is considered as notice given to the petitioner to make his submission with regard to the objection raised by the second respondent and take the liberty of three weeks time from the date of receipt of a copy of this order to make his submission to the fifth respondent and thereafter the fifth respondent shall consider and pass appropriate orders by giving appropriate clarification to the second respondent within a period of four weeks thereafter. No costs. Connected miscellaneous petition is closed.

08-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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R.N.MANJULA J.

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