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W.A.Nos.150, 144, 117, 148, 149, 49, 51, 53 & 283 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.Nos.150, 144, 117, 148, 149, 49, 51, 53 & 283 of 2025
and
C.M.P.Nos.996, 967, 673, 986, 995, 325, 343, 347 & 2177 of 2025**

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram.

...

Appellant
[in all W.As]

versus

1.D.Muthukumaran

...

1st Respondent
[in W.A.No.150/2025]

1.S.Gopalakrishnan

...

1st Respondent
[in W.A.No.144/2025]

1.S.Sridhar

...

1st Respondent
[in W.A.No.117/2025]

1.M.Balasundaram

...

1st Respondent
[in W.A.No.148/2025]

1.R.Ravi

...

1st Respondent
[in W.A.No.149/2025]

1.K.Ravichandran

...

1st Respondent
[in W.A.No.49/2025]

1.R.Neelavanan

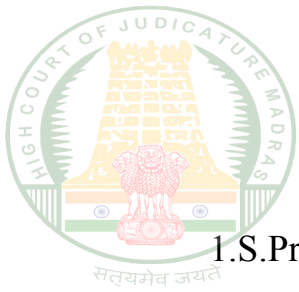
...

1st Respondent
[in W.A.No.51/2025]

1.R.Thiruvalluan

...

1st Respondent



[in W.A.No.53/2025]

1st Respondent
[in W.A.No.283/2025]

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1.S.Prabakaran

...

2.The State of Tamil Nadu,
Rep. by Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

3.The Syndicate of Annamalai University,
Rep. by its Secretary
Annamalai University,
Annamalai Nagar, Chidambaram.

4.The Deputy Director,
Local Fund Audit,
Annamalai University,
Annamalai Nagar,
Chidambaram.

5.The Finance Committee
of Annamalai University,
Rep. by its Secretary
Annamalai University,
Annamalai Nagar,
Chidambaram.

...

Respondents
[in all W.As]

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the common order passed in W.P.Nos.25994, 25951, 24413, 24411, 24114, 23693, 25997, 23686 and 23689 of 2024 dated 19.10.2024.

For Appellants : Mr.S.Sithirai Anandam
[in all W.Ps]

For Respondents : Mr.R.Singaravelan
[in all W.Ps] Senior Counsel
for Mr.M.Muruganantham - R1
Mr.C.Jayaprakash - R2



Government Advocate

COMMON JUDGMENT

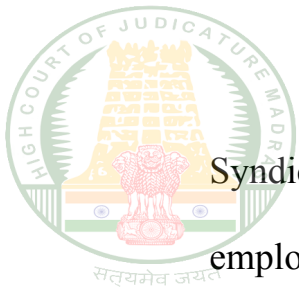
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(Common Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in these Writ Appeals is to the order of the learned single Judge quashing the orders of the University re-fixing the scale of pay of the drivers employed in the University, purportedly based on the judgment of the Hon'ble Supreme Court in Civil Appeal Nos.9533-9537 of 2019 etc. batch, dated 18.12.2019.

The brief facts that led to the litigation are as follows:-

2. The respondents in these appeals were appointed as drivers during the period from 1992 to 1997. As per the statutes of Annamalai University, they were entitled to first upgradation on completion of seven years and the second upgradation on completion of 14 years. It is not in dispute that all these drivers / respondents had completed 14 years of service before the University was taken over by the Government. Upon completion of the first seven years, they were given the first upgradation and upon completion of the second seven years, they were given the second upgradation also. After the take over of the University, the Government had passed a new Act called as 'Annamalai University Act, 2013' and the



Syndicate passed various resolutions re-fixing the salaries of various employees.

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3. In 2019, the Hon'ble Supreme Court while dealing with the case of drivers working in the High Court held that the drivers working in the High Court would also be entitled to selection grade and special grade pay on par with the drivers working in other Government Departments and there was also a direction to re-fix the salary of the drivers.

4. Taking advantage of this judgment, the Government in Letter No.4866/CMPC/2013-14 dated 22.01.2020 addressed to all the Departments directing re-fixation of salary of the drivers working in the Government Departments. The impugned order came to be passed based on the directions contained in the said letter. The re-fixation and recovery that was sought to be made under the impugned order was challenged mainly on the ground that as per the statutes that were prevailing at the time of their joining the service, all the respondents are entitled to first step up of pay after completion of 7 years and second step up of pay after completion of 14 years.

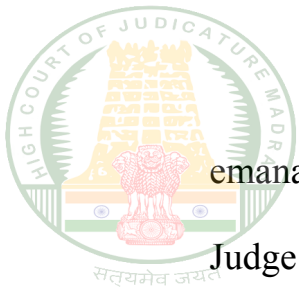


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5. It is not in dispute that all of them had completed 14 years of service before the University was taken over by the Government and they have been sanctioned with second step up of pay also and they had started drawing the said pay. Therefore, the learned single Judge found that the action of the University in re-fixing the pay with retrospective effect and directing recovery from these drivers is not justified as these orders cannot have retrospective effect and cannot result in retrospective re-fixation of pay that too at a lower scale.

6. The learned Judge observed that regulations dated 11.02.2020 will only be prospective and the benefits that had already been granted cannot be taken back. This observation from the learned Judge is in tune with settled service jurisprudence which is to the effect that the benefits that have accrued to the employees based on the existing rules or statutes cannot be taken away with retrospective effect by subsequent rules. The judgment of the Hon'ble Supreme Court in our considered opinion has been misused by the university to re-fix the salaries of these drivers at a lower scale.

7. It is not a case of wrong fixation as on the date when they were allowed step up of pay and the same was perfectly legal. Therefore, withdrawing such sanction that too pursuant to something which has



emanated after the fixation cannot be allowed. We find that the learned Judge was perfectly justified in his conclusion that retrospective re-fixation cannot be done.

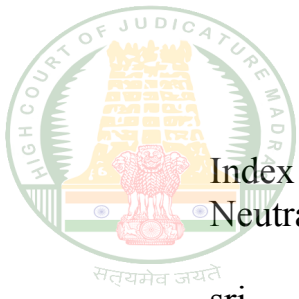
8. The learned counsel for the appellant would seek to rely on the judgment of the Hon'ble Supreme Court in *Sasikala Devi P. Vs. State of Kerala* reported in *2023 SCC Online SC 513* to contend that the re-fixation can be retrospective. That was a case where the audit objection was raised regarding wrong fixation of pay of the appellants.

9. In the case on hand, there is no such wrong fixation. The fixation was pursuant to the then existing rules. The rules were subsequently amended and such subsequent amendments cannot have retrospective effect so as to take away the rights already vested.

10. Hence, we see no merit in these appeals and the Writ Appeals are therefore *dismissed*. No costs. Consequently, the connected Miscellaneous Petitions are closed.

(R.S.M., J.) (G.A.M., J.)
17.02.2025

Speaking order



Index : Yes
Neutral Citation : Yes

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To

- 1.The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary,
Syndicate of Annamalai University,
Annamalai University,
Annamalai Nagar, Chidambaram.
- 3.The Deputy Director,
Local Fund Audit,
Annamalai University,
Annamalai Nagar,
Chidambaram.
- 4.The Secretary,
Finance Committee of Annamalai University,
Annamalai University,
Annamalai Nagar,
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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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