



W.A.No.449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.No.449 of 2023
and
C.M.P.No.4192 of 2023**

K.Saravanan

... Appellant

-Vs-

1. The State of Tamil Nadu,
Represented by Principal Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George,
Chennai - 600 007.

2. The Chief Educational Officer,
District Collector Compound,
Villupuram,
Villupuram District.

... Respondents

PRAYER : Appeal filed under Clause XV of the Letters Patent, against the order dated 26.10.2022 made in W.P.No.33752 of 2018.

For Appellant : Mr.S.Ayyathurai

For Respondents : Mr.R.Neethiperumal



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J U D G M E N T

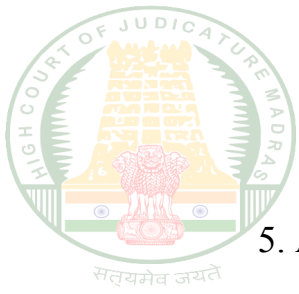
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This intra Court appeal has been directed against the order dated 26.10.2022 made in W.P.No.33752 of 2018.

2. The Government issued a Government Order, i.e, G.O.(Ms)No.240 Finance (Pay Cell) Department dated 22.07.2013, under which some pay benefits have been announced. Based on the said Government Order, option has to be exercised by the concerned employee who wants to switch over to such kind of pay benefits.

3. A time frame also has been given under the said Government Order within which such an option should have been exercised.

4. However in the case of the appellant herein since he had not exercised that option, he missed the bus as he was not considered for such pay benefits which flow from G.O.(Ms)No.240 dated 22.07.2013.



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5. After several years, the appellant and the similarly placed persons have filed the writ petitions individually. Insofar as the present appellant is concerned, he filed a writ petition in W.P.No.33752 of 2018 where he sought for a writ of certiorarified mandamus to call for the records relating to G.O.(Ms)No.240 Finance (Pay Cell) Department dated 22.07.2013 and quash the said portion of the order in paragraph No.4 of the said Government Order dated 22.07.2013 insofar as it fixes time limit for six months for exercising re-option for going over to the revised scale of pay between 01.01.2006 and 01.01.2009 and to consider the representation submitted by him in this regard.

6. Similar writ petitions have been filed in other three writ petitions.

7. All these writ petitions were heard together and were disposed of by the common order passed by the writ Court dated 26.10.2022 which is impugned herein.

8. Heard Mr.S.Ayyathurai, learned counsel appearing for the appellant and Mr.R.Neethiperumal, learned Government Advocate appearing for the respondents.



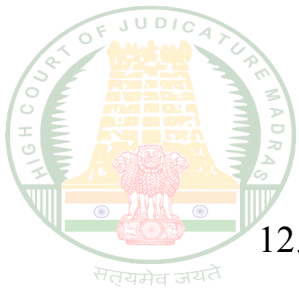
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9. Insofar as the import of G.O.(Ms)No.240 is concerned, the

Government had decided to implement the recommendation made by the Pay Grievance Redressal Cell, accordingly the Government directed that in exercise of the powers conferred under Rule 12 of the Tamil Nadu Revised Scales of Pay Rules, 2009 accorded permission to the employees as a final opportunity for exercising re-option to come over to the revised scale of pay between 01.01.2006 and 31.05.2009 as a one time measure in cases where option could not be exercised within the time limit to the advantage of the individual employees. However such re-option should not be in any case led to fixation of lower pay than what has been fixed earlier.

10. In paragraph No.4 of the Government Order, it has been made clear that the said Government Order shall be in force for a period of six months from the date of issue and any requests for exercising re-option from the employees after the above period shall not be entertained.

11. Within six months period, no option since has been exercised by the appellant / petitioner, subsequently this prayer had come and it was rejected and therefore, the petitioner and similarly placed persons filed four writ petitions which came to be dismissed by the writ Court through the impugned order dated 26.10.2022.

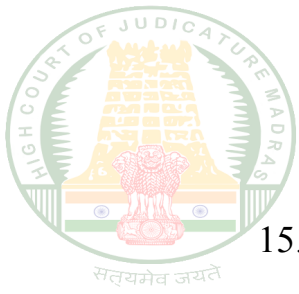


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12. The very G.O.(Ms)No.240 itself is a concession given to the employees whereby the period has been extended further for a period of six months. Within six months period, if any of the employee having slept over and have not exercised the re-option, then he has to lose the benefit which accrued arising out of G.O.(Ms)No.240.

13. After long time, the employees like the present appellant / petitioner cannot come and cry stating that the Government Order has not been communicated either to him or to the Institution where he was working as a Headmaster. Since it was communicated only to the Chief Educational Officer concerned, it cannot be stated as a full communication, therefore the Teacher concerned may not have a knowledge to note about the six months period provided under G.O.(Ms)No.240.

14. The said argument advanced by the learned counsel appearing for the appellant is liable to be rejected for the simple reason that, once the Government Order is issued and the same is published, then it is presumed that it has been made known to all over the Universe. When that being the position, such a defence cannot be taken by anyone to state that he has not been informed or the Institution where he was working has not been informed, therefore he could not exercise the option within the time period.



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15. In fact pursuant to G.O.(Ms)No.240, several thousands of such employees would have exercised such option, therefore the present defence taken by the appellant / petitioner cannot be accepted by this Court which in fact has been dealt with in proper perspective by the learned Single Judge through the order impugned dated 26.10.2022. Hence, the conclusion reached by the writ Court cannot be found fault with as it is not erroneous or infirm.

16. In that view of the matter, we are not inclined to interfere with the order passed by the writ Court which is impugned herein.

17. Resultantly, the Writ Appeals fails and hence it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.M.C., J.)
11.03.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

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2. The Chief Educational Officer,
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