



W.P.No.13598 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 19.09.2025

Delivered on: 25.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

W.P.No.13598 of 2015
& M.P.No.1 of 2015

S.A.Mani,
No.12, Aayarpadi Street,
Nalvarkoilpettai, Thirukalukundram,
Kancheepuram District.

... Petitioner

/versus/

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance (Pension) Department, Secretariat,
Chennai – 9.

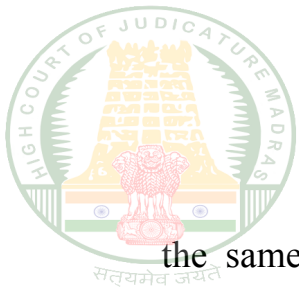
2. State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 9.

3. The Commissioner of Rural Development and Panchayat Raj,
Panagal Building, Chennai – 15.

4. The District Collector,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records of the 1st respondent herein in his Lr.No.62531/P.C/2013-1, dated 29.01.2014 and quash



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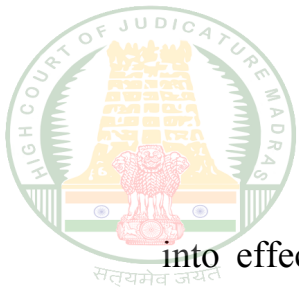
the same and direct the respondents herein to forthwith fix the pay of the petitioner herein as on 01.01.2006 extending the Sixth Pay Commission benefits and consequently pay revised pension and other monetary benefits including arrears of difference in pension w.e.f 01.01.2006 with due interest in accordance with law.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader.

ORDER

The petitioner herein served as an Assistant Director in the Rural Development Department and retired from service on 31.12.2005, on attaining the age of superannuation, ie., 58 years, in December 2005. He claims monetary benefits by seeking extension of the revised pay based on the 6th Central Pay Commission, which came into effect on 01.01.2006. The petitioner who gave a representation on 23.10.2013, relying upon the subsequent G.O.Ms.Nos.234 & 235 Finance (Pay Cell) Department, issued by the Government of Tamil Nadu, dated 01.06.2009 to extend the monetary benefits given under the Pay Revision which came into force after his retirement again reiterating his claim, had made another representation on 11.01.2014 to the Director of Pension Department, Chennai, for refixation of his pay by applying the revised pay scale which came



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into effect on 01.01.2006. His representation was rejected in the impugned communication. Hence, the present Writ Petition has been filed seeking a writ of certiorarified mandamus to quash the rejection order of the 1st respondent in Lr.No.62531/P.C/2013-1, dated 29.01.2014 and to consequently direct refixation of his pension.

2. According to the writ petitioner, the benefit of the 6th Pay Commission though given effect from 01.01.2006 for pay revision, the date of retirement of the petitioner, whether it is after 01.01.2006 or prior to that, does not make any difference and he must be given the benefits of the pay revision.

3. Relying upon GO.Ms.No.234 and 235 which were issued as a clarification and the judgment of this Court passed in W.P.No.49577 of 2006, the Learned Counsel appearing for the petitioner submitted that the pensionary benefits extended for the service rendered has to be revised as per the 6th Pay Commission, which came into effect on 01.01.2006, even though the writ petitioner has retired on 31.12.2005.



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4. The 4th respondent has filed counter, wherein it is specifically stated that G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009, had clearly stated that the revised pay scale with effect from 01.01.2006 notionally will confer monetary benefits only for the employees who were in service on 01.01.2007. The corresponding G.O's for pensioners was issued in G.O.Ms.No.235 Finance (Pay Cell) Department, dated 01.01.2009. Therefore, the petitioner, who had attained the age of superannuation on 14.12.2005 and allow to retire from service on the afternoon of 31.12.2005, cannot claim the benefit of 6th Pay Commission or under G.O.Ms.No.234 & 235. When the representation of the petitioner received and same was considered in the light of the G.O.Ms.Nos.234 & 235 Finance (Pay Cell) Department rightly rejected. The petitioner, who was not in service as on 01.01.2006, is not entitled for any notional revision of pay. He attained age of 58 years on 14.12.2005 and he was continued in service till the end of that month. He was relieved on 31.12.2005. The pay revision was given effect only notionally from 01.01.2006 for the persons who are in service on 01.01.2006. The pensionary benefits will apply only for persons who were in service as on 01.01.2006.



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5. It is contended by the Learned Special Government Pleader for the respondent that the date of retirement is determined with the reference to the date of birth and completion of 58 years of age. The petitioner herein retired from service prior to the date on which the 6th pay commission came into effect, hence he is not eligible to claim benefit of the 6th Pay Commission revision.

6. The Learned Counsel appearing for the writ petitioner, relying upon the judgment passed by Learned Single Judge of this Court in W.P.No.36386 of 2016 dated 07.08.2017, contending that the dictum laid down in the said judgment squarely applies to the case in hand. However, the Learned Government Special Government Pleader appearing for the respondent had pointed that the issue in the case cited is with regard to grant of increment to the petitioner, retired a day before the implementation of the pay revision. Since the increment is granted for the service already completed, the Learned Single Judge has held that such increment must be fixed in tune with the revised pay scale. Whereas, in the case in hand, the petitioner seeks for revision of pay scale based on the pay commission's recommendation, though he was not in service on the date when the pay revision came into effect.



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7. This Court finds that the prayer in the Writ Petition, seeking revised pay scale based on the recommendations of the Pay Commission which came into effect after the petitioner retired from service, cannot be entertained. The representation made after 8 years of superannuation also deters this Court entertaining the writ petition of this nature on the ground of laches in addition to lack of merits.

8. Accordingly, this ***Writ Petition stands dismissed.*** There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

25.09.2025

Index :Yes.
Internet :Yes/No.
Neutral Citation :Yes/No.
bsm

To,
1. The Secretary to Government,
Finance (Pension) Department, Secretariat,
Chennai – 9.

2. The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 9.



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3. The Commissioner of Rural Development and Panchayat Raj,
Panagal Building, Chennai – 15.

4. The District Collector,
Kancheepuram District,
Kancheepuram.

5. The Government Pleader, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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