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W.P.Nos.12033, 12037 & 13039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.12033, 12037 & 12039 of 2023
and W.M.P.Nos.11883, 11887 & 11888 of 2023

P.Subramani

... Petitioner in W.P.
No. 12033 of 2023

R.Saravanan

... Petitioner in W.P.
No. 12037 of 2023

N.Arasu

... Petitioner in W.P.
No. 12039 of 2023

Vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2. The Registrar,
Periyar University,
Salem – 636 011.

... Respondents in
all W.Ps.

Common Prayer : Writ Petitions filed under Article 226 of the
Constitution of India for issuance of a Writ of Certiorarified Mandamus,
to call for the records relating to the impugned proceedings issued by the



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second respondent in Pe.Pa/Pa.A/R6/003594/23F70908/2023-2;

Pe.Pa/Pa.A/R6/003594/23F70908/2023-1 and Pe.Pa/Pa.A/R6/003594/

23F70908/2023-3, respectively, dated 30.03.2023 and to quash the same

and consequently directing the respondents to restore the scale of pay of

the petitioner in the post of Driver with all consequential and other

attendant benefits.

In all W.Ps.

For Petitioners : Mr.S.Nedunchezhiyan

For Respondents

For R1 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

For R2 : Mrs.H.Mary Sowmi Rexi
For M/s.Issaac Chambers

COMMON ORDER

These Writ Petitions have been filed challenging the orders passed by the second respondent dated 30.03.2023, thereby revised the petitioners' scale of pay and also ordered for recovery.

2. All the petitioners were appointed as Drivers in the second



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respondent University in the sanctioned post. They were recruited

through Selection Committee after undergoing the process of selection.

Their appointments were also duly approved by the second respondent's

Syndicate. Further as per the resolution passed by the second

respondent's Syndicate in resolution No.66 dated 09.01.2009, the second

respondent issued orders dated 25.02.2009, thereby fixing the basic pay

as Rs.3625/- from the date of their appointment and it was also ordered

for selection grade pay on completion of seven years of their service with

effect from 03.05.2007. Accordingly, the petitioners were granted with

fixation of scale of pay and also selection grade scale of pay on

completion of seven years service in the second respondent University.

Subsequently, the petitioners were sanctioned with revision of scale of

pay as per Sixth Pay Commission's recommendation.

3. Thereafter, several government orders have been passed in respect of fixation of pay scale to the non-teaching staff in respect of the



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various Universities and the same were challenged before this Court. In

the meantime, the petitioners were served with show cause notice dated

27.12.2022 stating that, in the review meeting of the Registrar of

Universities conducted by the first respondent dated 18.10.2022, it was

directed to revise the salary for the employees of the Universities based

on the audit objection and called for explanation from the petitioners.

Though the petitioners submitted their explanations, without considering

the same, all the petitioners' salaries were revised and also ordered to

recover the excess payment. Challenging the said orders, the petitioners

filed the present Writ Petitions.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. The similar issue has already been dealt with by this Court in



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a batch of Writ Petitions in W.P.No.23686 of 2024 etc., in respect of the

Annamalai University and this Court by an order dated 19.10.2024 held

as follows:-

“10. It is not in dispute that the Annamalai University was originally governed by Annamalai University Act, 1928 and the regulations of the year 1929. It is also not in dispute that the Syndicate had taken the decision on 01.10.1994 with respect of upgradation/promotion to the non-teaching staff in four stages. In line with this decision, the upgradation was fixed for the petitioners as and when they complete the particular stage. It is brought to the notice of this Court that some of the petitioners have reached Stage-III and some are at Stage-II. The petitioner in W.P.No.23686 of 2024 [R.Thiruvalluvan] has attained superannuation on 30.09.2024 and has retired from service.

11. In the instant case, as above stated, the decision for upgradation of the non-teaching staff was taken by the Syndicate on 01.10.1994. Pursuant to the same, the upgradation is taking place on completion of 7 years, 14 years and 21 years in three stages. The Annamalai University Act was passed in the year 2013. The regulations came into



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effect only from 11.02.2020. Only by virtue of this regulation, it was provided that the pay and allowance admissible to various categories of posts in the Annamalai University can be fixed by the Syndicate from time to time only in accordance with the Government Order. Even insofar as the applicability of the fundamental rules are concerned, it was provided that the regulations will be subject to modifications or amendments which have to be made by the Syndicate from time to time in accordance with the Government Orders as and when situation warrants.

12. The decision was taken to re-fix the pay scale by relying upon G.O.(Ms) No.162, dated 13.04.1998. This Government Order provided for selection grade and special grade pay only on completion of 10 years, 20 years and 30 years of service. For the purpose of complying with this Government Order, the University has undertaken the process of re-fixation since the petitioners were getting this benefit on the completion of 7 years, 14 years and 21 years.

13. The order of the Supreme Court relied upon pertains to such fixation of selection grade and special grade for the Car drivers belonging to the High Court. While dealing with that issue, the High Court held that the pay scale



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of the drivers employed at the High Court must be fixed in line with the Government Order issued by the State Government in G.O.(Ms) No.162, dated 13.04.1998. This order, which became the basis for initiating action against the petitioners, does not have a direct bearing insofar as the case of the petitioners is concerned. The above order of the Supreme Court had resulted in the issuance of a Government letter dated 22.01.2020, which was followed by the Local Fund Audit objection. If at all, the order passed by the Supreme Court and the Government letter issued thereafter will have an impact on the staff belonging to Annamalai University, it can only be after the coming into force of the regulations dated 11.02.2020. This regulation contemplated that the pay and allowance can be fixed only in accordance with the Government Orders issued by the State Government. When the decision was taken by the Syndicate for fixing the upgradation of pay in the year 1994, the University was governed only by the 1929 regulation, which did not have any similar provision. Hence, the Syndicate had the complete authority to fix the pay and allowance to various categories of posts in the Annamalai.

14. The regulations dated 11.02.2020 cannot be given a



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retrospective effect and it cannot withdraw whatever benefits have already been given to the staff long before the regulations came into effect. In fact, the terms of the regulations cannot be read to the extent of refusing the terms and conditions of service of employees to their detriment by defeating the rights and privileges that have already accrued in favour of the employees/staff.

15. The 2020 regulations can only have a prospective effect and after the coming into force of this regulation from 11.02.2020, the pay and allowance will have to be necessarily fixed in line with the Government Orders issued by the State Government. Hence, none of the petitioners or other similarly placed persons, can hereafter seek for any grade pay by placing reliance upon the old regulation and the decision taken in the year 1994. Whatever benefits have already accrued in favour of the petitioners will remain in tact since the Syndicate had conferred such benefits and the Syndicate had all the powers to take such a decision during the relevant point of time. This was done much prior to the coming into force of the Annamalai University Act in the year 2013 and the regulations in the year 2020.

16. In the light of the above discussion, this Court holds



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that the benefit that has already accrued in favour of the petitioners cannot be taken away to the detriment of the rights and privileges of the petitioners, which was conferred by the Syndicate at the relevant point of time. As a consequence, the decision taken by the Annamalai University to re-fix the scale of pay of the petitioners and consequently, recovering the excess amount paid to the petitioners is unsustainable and illegal.

17. It is also made clear that the petitioners will not be entitled for any benefits henceforth unless it is in line with the provisions of the Annamalai University Act, 2013 and regulations which came into effect on 11.02.2020. Whatever benefits to which the petitioners are entitled for or which flows in their favour by virtue of this order shall be extended to the petitioners forthwith.

In the result, all these writ petitions are allowed and the relevant impugned orders and show cause notices, which have been challenged in these writ petitions, are quashed. No costs. Consequently, connected miscellaneous petitions are closed.”

6. In view of the above order, the impugned orders passed by



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the second respondent cannot be sustained and are liable to be quashed.

Accordingly, the impugned proceedings issued by the second respondent in Pe.Pa/Pa.A/R6/003594/23F70908/2023-2; Pe.Pa/Pa.A/R6/003594/23F70908/2023-1 and Pe.Pa/Pa.A/R6/003594/23F70908/2023-3, respectively, dated 30.03.2023 are hereby quashed.

7. In the result, all the Writ Petitions stand allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

25.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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