



W.P. No.11526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.11526 of 2024

and

W.M.P. No.53764 of 2025

Senthilkumar
S/o.Kuppusamy, No.16/243, 16th Ward,
Ambedkar Nagar, Harur Taluk,
Dharmapuri District.

Petitioner(s)

Vs

1.The Government of Tamilnadu
Rep. By its Principal Secretary
to The Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai-600 009.

2.The District Collector,
Dharmapuri District, Dharmapuri.

3.The District Revenue Officer,
Dharmapuri District, Dharmapuri.

4.The Revenue Divisional Officer,
Harur, Dharmapuri District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to grant higher start of pay to the petitioner for possessing degree qualification.

For Petitioner(s) : Mr.S.Arokia Mani Raj



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For Respondent(s)

: Mr.S.Balamurugan
Government Advocate

ORDER

The present Writ Petition has been filed to direct the respondents to grant higher start of pay to the petitioner for possessing degree qualification.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as a Village Administrative Officer on 16.04.2012 and joined service in the forenoon on 20.04.2012 in Perambakkam Village, Polur Taluk, Thiruvannamalai District. It is stated that the petitioner made a request to transfer him to Dharmapuri District and on that basis, he was posted as Village Administrative Officer, Chinna Goundanahalli Village, Palacode Taluk vide proceedings of the Revenue Divisional Officer dated 20.09.2013. Thereafter, the petitioner was promoted as Assistant vide order dated 04.01.2020. At present, the petitioner was once again promoted as Senior Revenue Inspector in Divisional Excise Office, Dharmapuri. The further claim of the petitioner is that as per G.O.Ms.No.241 Finance (Pay Cell) Department dated 22.07.2013 order for grant of higher start of pay to Graduate Junior Assistants/ Typists and the Records Clerks for possessing degree qualification was dispensed with, with effect from 01.04.2013. As a result the candidates selected along with the petitioner whose certificate verification was held in the year 2012 were given higher start of pay



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for possessing degree qualification. However, the same was not extended to the petitioner, thereby, the present writ petition seeking higher start of pay for acquiring higher qualification in the post of Village Administrative Officer. It is the further case of the petitioner that as per G.O.Ms.No.321 dated 02.07.1998, Government accorded sanction of higher start of pay with increment to graduate employees to encourage them. Subsequently, the same was dispensed with vide G.O.Ms.No.241 dated 22.07.2013, which is not a maintainable one. Hence, he would pray that this Court may issue a direction to the respondent to grant higher start of pay to the petitioner on par with his junior who were granted higher start of pay in terms of G.O.Ms.No.321 dated 02.07.1998.

3. Per contra, the learned Government Advocate appearing for the respondents would rely on paragraphs 3 and 4 of the counter affidavit filed in support of this writ petition, the relevant portions of the same is extracted hereunder:

“3. As regards the averments made in para 4 of the affidavit, it is submitted that the Government in G.O.Ms.No.321 Finance (Pay cell) Department, dated: 02.07.1998 have accorded sanctions for granting higher start of pay with increments to the graduate employees to encourage them. Later on, the Govt in G.O.Ms.No.241 Finance (Pay cell) Department, dated: 22.07.2013 was dispensed with the payment of above concessions ordered in the earlier



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G.O.Ms.No.321, Dated 02.07.1998.

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The Pay Grievance Redressal Cell constituted in the Government Order Go.Ms.No 123, Finance(Pay Cell) Department, Dated:22.07.2013 has examined the scope of continuing the higher start of pay to the Graduate Junior Assistants/Typists and the Record Clerks with S.S.L.C. qualification in the light of the anomalies pointed out by the various service associations and the individual petitioners that the directly recruited Assistants /Accountants in the Tamil Nadu Ministerial Service happens to draw lesser emoluments when compared to the Junior Assistants with graduate qualification. For example, an Assistant on entry into service gets his pay fixed at the minimum of the time scale of pay of Rs.5200-20200 + Grade pay Rs.2800 at Rs.8000/- (Rs.5200 + 2800), whereas a Junior Assistant with graduate qualification gets his pay fixed in the scale of pay of Rs.5200-20200 + Grade pay Rs.2400 at Rs.7600/- (Rs.5200 + 2400) and consequent on sanction of higher start of pay at two increments (3% +3% Rs.230 + Rs.230 Rs.460) gets fixed at Rs.8060/- (Rs.7600+460) and there is a loss of Rs.60/- in emoluments to the directly recruited Assistants.

The Committee has recommended to compensate this difference of pay as "Personal Pay" for directly recruited Assistants in service at present. However, the Committee observed that the concession of higher start of pay for acquiring graduate qualification was introduced many years ago with the aim of incentivizing Junior Assistants/Typists to acquire higher qualification when most of them were appointed with the Minimum General Educational Qualification of S.S.L.C. In the present scenario where most of the recruits are Degree holders and even have Post Graduation / Professional qualification. In such a situation the higher start of pay granted to the Junior Assistants/Typists with a degree qualification is no longer warranted and the Committee therefore recommended for dispensation of the grant of higher start of pay to the Junior Assistants/Typists to be recruited in future for possession of degree qualification



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and also it will avoid unnecessary pay anomaly of the directly recruited Assistants. Likewise, the Committee also recommended to dispense the higher start of pay to the Record Clerks for possession of S.S.L.C. qualification.

The Government accordingly examined the above recommendations of the Pay Grievance Redressal Cell and decided to accept it. Accordingly, Government direct that the higher start of pay granted to the Junior Assistants/Typists for degree qualification shall be dispensed to the incumbents recruited in future with a view to avoid the pay anomaly between the Junior Assistants and the directly recruited Assistants and also considering the fact that the persons now recruited are Degree/Post Graduate/Professional Degree holders.

4. As regards the averments made in para 5 of the affidavit, it is submitted that the petitioner is a graduate and hence he has sent a representation to the 3rd respondent with a request to grant higher start of pay to him. The 3rd respondent has sent the said representation of the petitioner to the 4th respondent to examine the request of the petitioner. Further, it is submitted that the Govt in. G.O.Ms.No.241 Finance (Pay cell) Department, dated: 22.07.2013 has dispensed with the payment of increments to the Graduate employees. Hence, the 4th respondent has not granted increments to the petitioner and the GO Ms.No: 37, Personal Administrative Reforms (FR-IV) Department Date: 10.03.2020 Para 6(i), "As a policy decision, the scheme of sanction of advance increment for acquiring higher qualification in all departments and all orders issued by all departments for sanction of advance increment for possessing higher qualification, as a whole, be cancelled /dispensed with immediate effect." In the GO (Ms). No 120, Human Resource Management (FR-IV) Department Date 01.11.2021, granted Lumpsum amount for acquiring additional Educational Qualification to the State Government Employees.



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As per Go.(Ms). No: 95, Human Resource Management (FR-IV) Department Date 01.11.2021, Dated: 26.10.2023 Para 7, "It has come to the notice of the government that substantial number of claims are pending from candidates with higher educational qualification. Hence to expeditiously process and bring clarity to the scheme of granting incentive, in partial modification of the orders issued in the GO (Ms) NO: 116, Personnel and Administrative Reforms (FR-IV) Department, dated: 15.10.2020 and GO (Ms) NO: 120, Personnel and Administrative Reforms (FR- IV) Department, dated: 01.11.2021 and clarification issued in the Government Letter No: 4470/FR/IV/2022-1, Human Resource Management (FR-IV) Department, Dated: 18.02.2022. The cut-off date for sanction of advance increments for having acquired higher qualification ended and the new scheme of sanction of lumpsum amount is ordered to take effect from 10.03.2020. Thus, the clarification issued in the Government Order GO (Ms) NO: 116, Personnel and Administrative Reforms (FR- IV) Department, dated 15.10.2020 and Government Letter No: 4470/FR/IV/20221, Human Resource Management (FR-IV) Department, Dated: 18.02.2022 are harmonized to ensure that, all pending application as on 10.03.2020 and claims made subsequently for sanction of benefits for having acquired higher qualification shall be disposed as per this new scheme of granting lumpsum incentives only and not the earlier scheme of granting increments in salary. This principle would ensure expeditious disposal of all pending claims and also maintain parity and equal treatment between the claims pending as on date and for persons acquiring higher educational qualification in future also."

4. Heard the learned counsel for the petitioner and the learned Government appearing for the respondents.



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5. The facts in the present case are not in dispute. Admittedly, the petitioner joined service as Village Administrative Officer in the Revenue Department in the year 2012 with degree qualification. The claim of the petitioner is that as per G.O.Ms.No.321 dated 02.07.1998, he is entitled for grant of higher start of pay with increment in respect of graduate employees since he acquired degree qualification in the post of Village Administrative Officer. Thereby, the present writ petition is filed, however, a perusal of the counter affidavit reveals that G.O.Ms.No.321 dated 02.07.1998 was cancelled vide G.O.Ms.No.241 dated 22.07.2013 and the grant of higher start of pay was dispensed with in the year 2013 and the counter affidavit further reveals that subsequently two G.Os. were issued namely G.O.Ms.No.117 dated 15.10.2020 and G.O.Ms.No.120 dated 01.11.2021 and the clarification was issued in government letter dated 18.02.2022, stating that the cut-off date for sanction of advance increments for having acquired higher qualification ended with a new scheme of sanction of lump sum amount with effect from 10.03.2020. In view of the above, there shall be a direction to the respondents, if the petitioner is liable for grant of lump sum amount as per G.O.Ms.No.116 dated 15.10.2020 and G.O.Ms.No.120 dated 01.11.2021, the same may be disbursed to the petitioner, if he is otherwise eligible, within a period of 6 weeks from the date of receipt of a copy of this order, if not already paid.



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6. Accordingly, the writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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to the Government,
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M. DHANDAPANI, J.

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