



WEB COPY



W.P.No.15892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

**Writ Petition No.15892 of 2025**

D.Venkatesan

.. Petitioner

Vs.

1. The Registrar General,  
High Court of Madras,  
Chennai 600 104.
2. The Additional District Judge -I  
Vellore @ Ranipet,  
Ranipet District.
3. The Accountant General (A&E)  
Tamil Nadu Circle,  
361, Anna Salai, Teynampet,  
Chennai 600 018.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India  
praying for, to issue a Writ of Mandamus, by issuing a suitable direction



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directing the first respondent herein to re-fix the pay scale of the petitioner and confer the Selection Grade and Special Grade Scale of pay on completion of 10 years of service with effect from 09.09.1993 and 20 years of service with effect from 09.09.2003 and also confer Grade-I Typist Scale on completion of 18 years of service in the merged Copyist and Typist post and to confer the Grade pay accordingly and consequently re-fix and confer the pensionary benefits by considering my representation dated 25.11.2024.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.N.K.Kanthimathi, for RR1 & 2

Mr. P.Manorajan,  
Standing Counsel, for R3

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### **ORDER**

*(Order of the Court was delivered by R.SUBRAMANIAN, J.)*

The petitioner seeks a Writ of Mandamus directing the respondents to re-fix his pay scale and confer Selection Grade and Special Grade of scale of pay on completion of 10 years of service and 20 years of service with effect from 09.09.1993 respectively.



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2. The petitioner joined as a last grade servant in the District Judiciary on 08.01.1975. He was promoted to the post of Copyist on 09.09.1983 and his services, in the promoted post, were regularised with effect from 01.01.1985. Taking his date of appointment as 01.01.1985, he was conferred Selection Grade with effect from 01.01.1995 and Special Grade with effect from 01.01.2005.

3. It is the grievance of the petitioner that inasmuch as he was promoted to the post of copyist there is no question of regularisation of the service and therefore, his services should have been counted from 09.09.1983 and not from 01.01.1985. This issue is no longer res integra. A Division Bench of this Court in WP No.34741 of 2022 vide its order dated 11.09.2023 has held that there cannot be a regularisation of service in the promoted post and therefore, a person who is promoted to a particular post would be entitled to all the attendant benefits available to a person, who is already in that post.

4. It is not in dispute that the petitioner has completed the required service of 10 years for conferment of Selection Grade from 09.09.1983 and

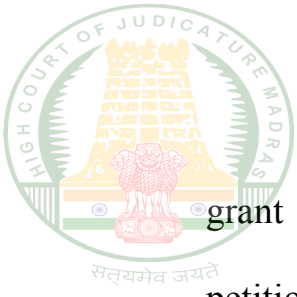


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20 years for conferment of Special Grade on 09.09.2003. Therefore, the grant of special grade and selection grade from 01.01.1995 and 01.01.2005 cannot be said to be correct in the eye of Law. Once the Division Bench of this Court had held that there is no question of regularisation of services in a promotional post, a person who is appointed to the promotional post on 09.09.1983, he should be conferred Selection Grade and Special Grade upon completion of 10 years and 20 years of service viz. on 09.09.1993 and 09.09.2003. Therefore, the grant of Selection Grade pay and Special Grade pay with effect from 01.01.1985 and 01.01.1995 has to necessarily be set aside and there will be a direction to the respondents to grant the benefits of selection grade and special grade to the petitioner in the post of copyist or the equivalent post which was held by him at the time of his retirement.

5. It is made clear that the petitioner would be entitled to re-fixation with effect from 09.09.1983 and 09.09.1993 as Selection Grade and Special Grade, he would be entitled to monetary benefits in the form of re-fixation of pension only from the date of his superannuation.

6. The Writ Petition is disposed of accordingly. The prayer for



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grant of status as Grade I Typist is rejected subject to the right of the petitioner to work out his remedies in the pending review petition. There shall be no order as to costs.

**(R.SUBRAMANIAN, J.) (K. GOVINDARAJAN THILAKAVADI)**  
**13.06.2025**

jv

Index: No  
Speaking order  
Neutral Citation: No  
To

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**and**

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