IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.11.2025

PRONOUNCED ON : 19.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.17111, 17121, 17124, 17126, 17119, 20823, 20832, 20850, 20831, 20825, 20828, 20846, 20839, 20838, 20836, 20834, 20841, 20844, 21183, 21211, 21193, 21216, 21222, 21195, 21225, 21227, 21228, 21233, 22127, 22145, 22132, 22140, 22150, 22148, 22151, 22147, 22146, 22141, 22837, 22846, 22851, 22854, 22839, 23484, 23492, 23487,, 23489, 23722, 23768, 23779, 23723 of 2025
and
W.M.P.Nos.19410, 19414, 19413, 19400, 19402, 19403, 19409, 19395, 19399, 23531, 23532, 23533, 23513, 23525, 23527, 23523, 23524, 20828, 42796, 42797, 42800, 44809, 23545, 23546, 23540, 42794, 23541, 44814, 23528, 23534, 23536, 23537, 42806, 42808, 23518, 23515, 23503, 23504, 23508, 23509, 42810, 42815, 44818, 23519, 23520, 23522, 42795, 43373, 43375, 23963, 23987, 23990, 23993, 23965, 23974, 23975, 23919, 43285, 43286, 23996, 43287, 43288, 23931, 23932, 23936, 23981, 23983, 23986, 43376, 43377, 43381, 23937, 23959, 23962, 23923, 43372, 23979, 24922, 24924, 24925, 42575, 24909, 24919, 24920, 42571, 42579, 42747, 42583, 42740, 24907, 24911, 24913, 24914, 24917, 24894, 24908, 24918, 24916, 42572, 42749, 24895, 42578, 24915, 24921, 42743, 24905, 24906, 25667, 25663, 25672, 25654, 25674, 27114, 26369, 26356, 26357, 26361, 26364, 26365, 26368, 26360, 43379, 43380, 43374, 43378, 26757, 26759, 37755, 42737, 42739, 26698, 26699, 26748, 26749, 26696 & 26697 of 2025

W.P.No.17111 of 2025

P.Arulanandham ..... Petitioner

Vs

1.The State of Tamil Nadu,

Rep. by the Principal Secretary to Government,
Environment Climate Change and
Forest (EC.2) Department,
Secretariat,
Chennai – 600 009.

2.Tamil Nadu Pollution Control Board,
Represented by the Chairperson,
No.76, Mount Salai,
Guindy,
Chennai – 600 032. ..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent vide Proceedings TNPCB/per/P7/023826/18-14, dated 10.04.2025, quash the same and to direct the respondents 1 and 2 to desist from reducing any pay/pension from the petitioner.

(in W.P.Nos.17111, 17119, 17121, 17124, 17126,
22837, 22846, 22851, 22854, 22839 of 2025)

For Petitioners : Mr.M.Ravi

For R1 : Mr.C.Selvaraj
Additional Government Pleader

For R2 : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mrs.Madhurai Donti Reddy
Standing Counsel

(in W.P.Nos. 20823, 20832, 20850, 20831, 20825, 20828,
20846, 20839, 20838, 20836, 20834, 20841, 20844, 21183,
21211, 21193, 21216, 21222, 21195, 21225, 21227, 21228,

21233, 22127, 22145, 22132, 22140, 22150, 22148, 22151, 22147, 22146, 22141, 23484, 23492, 23487, 23489, 23722, 23768, 23779, 23723 of 2025

For Petitioners : Mr.Balan Haridas

For R1 : Mr.C.Selvaraj
Additional Government Pleader

For R2 : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mrs.Madhurai Donti Reddy
Standing Counsel

COMMON ORDER

These Writ Petitions have been filed challenging the order passed by the second respondent, thereby ordered to refix the pay of the petitioners.

2. The salary of the petitioners was refixed after a lapse of nearly 14 years. Most of the petitioners have already retired from service, while some of them are still in service. While all the petitioners, were working in the cadre of Lab Assistant under the second respondent, salary had been fixed pursuant to the communication dated 30.05.2011, thereby the benefits of the Government order in G.O.Ms.No.63, Finance (Pay Cell) Department, dated 26.02.2011, were extended to all Public

Sector Undertakings/Statutory Boards, including the second respondent herein. The second respondent, through its Board Resolution, extended the benefits of the said Government order to the category of Lab Assistants. In fact, the second respondent's Committee, consisting of the Finance Secretary, passed the resolution approving such extension.

3. While being so, after a lapse of eleven years, the respondents, all of a sudden, relying upon a subsequent Government letter, proposed to revise and reduce the pay fixation of the petitioners. It is not the case of the respondents that the salary of the petitioners was fixed fraudulently or by any misrepresentation. The learned counsel for the petitioners submitted that, only based on the Government letter dated 19.04.2018, the respondents have now refixed the salary of the petitioners by way of reduction of pay. The said Government letter can have only prospective applicability and cannot be given retrospective effect so as to disturb the pay fixation made nearly prior to fourteen years .

4. The Government letter is also clear that the second respondent was requested to address the identified challenges. There is

no direction to the second respondent to identify the challenges for refixing the grade pay of Lab Assistants downward to align with any Government instructions, clarifications or relevant Government orders. Therefore, there was absolutely no necessity for the second respondent to reduce the pay of the petitioners. Further, the said direction is applicable only to those Lab Assistants whose pay has been recently revised in accordance with G.O.Ms.No.63 Finance (PC) Department, dated 26.02.2011 and as per the Government letter dated 19.04.2018, action can be taken to revise the salary. Whereas, the salary of the petitioners had already been fixed in accordance with the G.O.Ms.No.63 Finance (PC) Department, dated 26.02.2011. Therefore, the Government letter dated 19.04.2018 is not at all applicable to the petitioners whose pay was fixed in the year 2011. Moreover, the Government order in G.O.Ms.No.63 Finance (PC) Department, dated 26.02.2011, has no nexus whatsoever with the grant of Special Grade pay to the post of Field Assistant, who had claimed such benefit on par with the Drivers.

5. Therefore, the Judgment of the Hon'ble Supreme Court of India in the case of Drivers is not related to the fixation of pay, neither on the basis of the Government order nor with respect to the pay fixed for

the Lab Assistants. That apart, most of the petitioners have already retired from service and hence, the relationship as employer and employee between the petitioners and the respondent no longer exists. Further, he relied upon the Judgment of the Hon'ble Supreme Court of India reported in ***(2024) 8 SCR 377*** in the case of ***Jagdish Prasad Singh Vs. State of Bihar and others,*** wherein it was held that any step of reduction in pay scale and recovery from a Government employee would tantamount to punitive action because the same has drastic civil as well as adverse consequences and no such action would be taken against the employees without due process. Further, the post of Lab Assistants and Field Assistants are not promotional in nature. Considering the same, the Government issued G.O.MS.No.63, Finance (PC) Department, Dated 26.02.2011, under which the pay of the petitioners was fixed long back. Therefore, the same cannot be reopened or refixed after such a long lapse of time.

6. The learned Additional Advocate General appearing for the second respondent submitted that the first respondent by letter dated 19.04.2018, directed all State Public Sector Undertaking/Statutory Boards to ensure that the pay of the employees drawing higher pay due to

erroneous pay fixation is regulated immediately and that any excess payments made on account of wrong pay fixation, grant of scales without due approval, promotions made without following prescribed procedures, or payments made in excess of entitlement, should be immediately rectified. Pursuant to the said direction, an in-house Committee of the second respondent conducted an enquiry and submitted a report with respect to the pay revision of Lab Assistants and Field Assistants in the second respondent. The report revealed that pay of the post of Lab Assistant is revised by the proceedings dated 25.07.2011, based on the Government order in G.O.Ms.No.63, Finance (PC) Department, dated 26.02.2011 and with the approval of the Board members. However, without prior approval from the Government, the second respondent sanctioned higher pay to the Lab Assistants.

7. As a result, the Lab Assistants, who are considered to be in a subordinate category to the post of Field Assistants, were found to be drawing a higher rate of pay than the Field Assistants. It was also observed that there exists a discrepancy in the educational qualifications prescribed for the post of Lab Assistants in the second respondent, when

compared to those required for the same post in the Government departments. On the basis of the findings of the in-house Committee report, the Government issued directions to the respondents as follows :

> *"(a) address the identified challenges by revising the grade pay of 'Lab Assistants' downward to align with the Government's instructions, clarifications and relevant Government Orders, rather than elevating the pay of 'Field Assistants' duly following the guidelines outlined in Government Letter No.20281/Fin (BPE)/2018, dated 19.04.2018 ;*
>
> *(b) refrain from recovering any excess payments made to serving or retired Lab Assistants and Field Assistants, as these employees fall under Class III and Class IV categories ;*
>
> *(c) initiate disciplinary action against the officers responsible for presenting a misleading agenda to the Board, which led to the erroneous implementation of pay fixation for Lab Assistants and caused significant financial loss to Tamil Nadu Pollution Control Board;*
>
> *(d) address systemic gaps by strengthening internal controls and the internal audit system and ordering a special audit to review all pay fixations and related financial matters comprehensively. This will enhance accountability, identify irregularities, and prevent the recurrence of such issues in the future ;*

(e) explore the possibility of revising the Tamil Nadu Pollution Control Board Service Regulations, 2010, expedititiously to remove the Lab Assistant post as one of the feeder categories for promotion to the post of Field Assistant."

8. Pursuant to the said directions, the second respondent, by an order dated 02.01.2025, decided to revise the grade pay of the Lab Assistants downwards. Subsequently, a show cause notice dated 08.01.2025 was issued to the petitioners, calling upon them to show cause as to why the grade pay of the Lab Assistants shall not be revised as proposed to align with the Government instructions, clarifications and relevant Government orders within fourteen days from the date of receipt of the said notice. The petitioners submitted their explanations to the show cause notices. However, the same were found to be unsatisfactory and accordingly, the second respondent rightly ordered to revise the pay scale of the petitioners.

9. A perusal of the counter affidavit filed by the second respondent and the submissions made by the learned Additional Advocate General appearing for the second respondent, reveal that the

service conditions of the employees of the second respondent are governed by the Tamil Nadu Pollution Control Board Revised Service Regulations, 2010. The crux of the dispute in these writ petitions is that the pay of the petitioners, who were working as Lab Assistants, was erroneously revised. By proceedings dated 25.07.2011, pursuant to G.O.Ms.No.63, Finance (PC) Department, dated 26.02.2011, the Lab Assistants were granted the revised pay scale of Rs.5200-20200/- with Grade Pay of Rs.2400/-.

10. According to the second respondent, the post of Lab Assistant is the feeder category to the post of Field Assistant. However, the Lab Assistants were drawing a higher scale of pay than the Field Assistants, which is contrary to the settled principles of service jurisprudence. Hence, their pay has now been revised by way of refixation. Further, under the Tamil Nadu Pollution Control Board Service Regulations, 2010, the prescribed educational qualification for the post of Lab Assistants is only 8th Standard, whereas the qualification required for the post of Field Assistant is 10th Standard. Under the first respondent, the Lab Assistants are required to possess SSLC qualification, thereby resulting in a mis-match between the qualification

requirements and pay structure.

11. The learned Additional Advocate General relied upon the Judgment of the Hon'ble Supreme Court of India in the case of ***Basawaraj Vs. Special Land Acquisition Officer*** reported in ***(2013) 14 SCC 81***, wherein it was held that Article 14 of the Constitution of India does not envisage negative equality, and that an illegality or irregularity committed in one case cannot be perpetuated or claimed as a matter of right by others. Accordingly, by proceedings dated 26.02.2014, the second respondent refixed the pay of the Field Assistants in accordance with G.O.Ms.No.162, Finance (PC) Department, dated 03.04.1998. The said proceedings was challenged in WP.Nos.8749 and 8750 of 2014 and this Court, by order dated 08.08.2024, upheld the validity of the Board's action in refixing the pay. However, this Court directed that no recovery shall be made of any excess amount already paid. Therefore, the refixation of salary was carried out strictly in the line with the applicable Government orders. Pursuant thereto, the Government, by letter dated 09.12.2024, directed the second respondent to revise the grade pay of Field Assistants and Lab Assistants strictly in accordance with the Government orders applicable to similar posts. However, the

Government restricted the order that no recovery of excess payment shall be made from serving or retired employees belonging to Class III and Class IV categories. The said direction was implemented by the second respondent.

12. A perusal of the records reveals that by Government letter dated 23.09.2010, pursuant to the recommendations of One Man Commission, the benefits of pay revision were extended to the employees of State Public Sector Undertakings/Statutory Boards. It was further directed that, in the event of a decision to adopt the revised scales of pay to such employees, the respective Boards or Undertakings should forward a comprehensive proposal to the Government for examination and approval. Accordingly, appropriate action was taken to analyse the applicability of the relevant Government orders and necessary guidelines were issued for fixation of pay in the revised Selection Grade/Special Grade posts. Subsequently, the Government, by G.O.Ms.No.63 Finance (PC) Department, dated 26.02.2011, ordered the revision of pay, which included the category of Labs Assistants employed under the second respondent. Thereafter, the Government issued further letters dated 09.03.2011 and 30.05.2011 to all State Public Sector Undertakings/

Statutory Boards, furnishing detailed instructions regarding the revision of pay for certain categories of employees.

13. As per the Government orders in G.O.Ms.No.45 Finance (PC) Department, dated 10.02.2011 and G.O.Ms.No.63 Finance (PC) Department, dated 26.02.2011, the revised scale of pay could be extended to the employees of State Public Sector Undertakings/Statutory Boards, after duly considering the aspects mentioned in the relevant Government letters, and subject to the condition that the Boards shall not seek any financial assistance from the Government for the said purpose. It was further stipulated that the proposal for such revision should be placed before the respective Board of Directors for approval. As directed by the Government and also as per the Government orders, the second respondent issued orders dated 25.07.2011, revising the pay and grade pay of the employees who were in equivalent scales of pay on par with the Government employees. Accordingly, the Lab Assistants, who were drawing pay in the band of Rs.5200-20200/- with Grade Pay of Rs.1900 or Rs.5200-20200/- with Grade Pay of Rs.2000, were granted a revised pay of Rs.5200-20200/- with Grade Pay of Rs.2400/-, notionally with effect from 01.01.2006 and with monetary benefit from 01.03.2011.

Accordingly, the salaries of the petitioners were revised and they were paid salary as per the revision. Thereafter, by letter dated 19.04.2018, the Government, through its Expenditure Department, issued directions to take appropriate action to ensure that -

> *(a) the pay of the employees drawing higher pay due to erroneous pay fixation are regulated immediately and any excess payments made on account of wrong pay fixation, grant of scale without due approvals, promotions without following due procedures, or in excess of entitlements etc., come to notice, immediate corrective action must be taken ;*
>
> *(b) a show cause notice is issued to the concenred employee informing him of the decision to rectify the order which has resulted in the overpayment, and intention to recover such excess payments duly specifying the reasons for such decision to enable the employee to represent against the same ;*
>
> *(c) departmental/criminal action is initiated against the erring officials who were responsible for wrongful/excess payments on account of fraud, misrepresentation, collusion, favoritism, negligence or carelessness etc.,*
>
> *(d) no waive of recovery is allowed without the prior approval of the Board of Directors and the Government."*

14. Thereafter, by communications dated 12.11.2024 and 28.11.2024, issued as per the report of the in-house Committee of the second respondent, it was found that the scale of pay for the post of Lab Assistants was revised by proceedings dated 25.07.2011, based on G.O.Ms.No.63, Finance (PC) Department, dated 26.02.2011. However, while effecting such revision, the Board members neither included nor foresaw the consequential impact that the revision would have on the next higher or promotional post. Moreover, prior approval of the Government was not obtained before revising the pay structure for the Lab Assistants. It was further observed that the post of Lab Assistants, being a subordinate post and feeder category for promotion to the post of Field Assistant, was drawing higher pay than the promotional post itself. Therefore, it was ordered to revise the grade pay of Lab Assistants downward so as to bring it in alignment with the relevant Government orders. Pursuant to the same, the petitioners were issued show cause notices and passed the order impugned in these writ petitions.

15. In this regard, the learned counsel appearing for the petitioners relied upon the Judgment of the Hon'ble Supreme Court of

India reported in ***2010 (12) SCC 405*** in the case of ***Union of India and another Vs. P.N.Natarajan and others***, wherein the Hon'ble Supreme Court of India held that retirement benefits or payments could not be revised to the disadvantage without giving them action-oriented notice and opportunity of hearing. The rule of *audi alteram partem* has been treated as fundamental to the system established by rule of law and any action taken or order passed without complying with that rule is liable to be declared void.

16. In the case on hand, though the petitioners were served with show cause notices, it is nothing but only procedure since the second respondent had already acted based on the directions contained in the Government letters. Therefore, the above Judgment is squarely applicable to the case on hand. That apart, after a lapse of nearly fourteen years from the date of revision of pay, the same cannot be revised on the ground that it was wrongly fixed. It is not the case of the respondents that the salary of the petitioners was revised on account of any fraudulent representation or by production of false documents. The revision of pay was made only in the line of the Government order in G.O.Ms.No.63, Finance (PC) Department, dated 26.02.2011 and the

subsequent Government orders. Accordingly, the second respondent revised the scale of pay to the post of Lab Assistants and the petitioners were paid salary in accordance therewith. Now, most of the petitioners have been retired from service and very few of the petitioners are still in service.

17. The learned counsel for the petitioners also relied upon the Judgment of the Hon'ble Supreme Court of India reported in ***2024 SCC Online 1909*** in the case of ***Jagdish Prasad Singh Vs. State of Bihar and others,*** wherein the Hon'ble Supreme Court of India held as follows :

> *"20. Without prejudice to the above findings, we are of the view that no departmental action could have been initiated by the State against the appellant after eight years following his superannuation because the employer employee relationship had come to an end after the appellant's superannuation. The order directing reduction in pay scale and recovery from the appellant was manifestly not preceded by any show cause notice and was thus, passed in gross violation of the principles of natural justice. Pursuant to the order dated 20th July, 2009 passed in the Writ Petition No.6714 of 2009 filed by the appellant, he submitted a representation to the Secretary, Food and Consumer Protection Department,*

Government of Bihar, which vide order dated 8th October, 2009 was rejected, preceded by a personal hearing. A perusal of the said order would indicate that the Secretary took a view that as per paragraph 11 (supra) of the Government Resolution, the first/second time bound promotion of the appellant had come to an end automatically w.e.f. On 1st January, 1996 and thus, the appellant was required to be re-designated to the post of Marketing Officer and would be entitled to the revised pay of Rs.5500-9000 w.e.f. 1st January, 1996 as recommended by the Fitment Committee. Thus, even in this order, the promotion conferred to the appellant to the post of ADSO on 10th March, 1991 is not doubted.

21. We firmly believe that any decision taken by the State Government to reduce an employee's pay scale and recover the excess amount cannot be applied retrospectively and that too after a long time gap. In the case of Syed Abdul Qadir V. State of Bihar, this Court held that when the excess unauthorised payment is detected within a short period of time, it would be open for the employer to recover the same. Conversely, if the payment had been made for a long duration of time, it would be iniquitous to make any recovery. The relevant paras of the Syed Abdul Qadir (supra) are extracted herein below :

"57. This Court, in a catena of decisions, has granted relief against recovery of excess payment of emoluments/allowances if(a) the excess amount was not paid on account of any misrepresentation or fraud on the part of the employee, and (b) if such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order, which is subsequently found to be erroneous.

58. The relief against recovery is granted by courts not because of any right in the employees, but in equity, exercising judicial discretion to relieve the employees from the hardship that will be caused if recovery is ordered. But, if in a given case, it is proved that the employee had knowledge that the payment received was in excess of what was due or wrongly paid, or in cases where the error is detected or corrected within a short time of wrong payment, the matter being in the realm of judicial discretion, courts may, on the facts and circumstances of any particular case, order for recovery of the amount paid in excess.

59. Undoubtedly, the excess amount that has been paid to the appellant teachers was not because of any misrepresentation or fraud on their part and the appellants also had no knowledge that that amount that was being paid to them was more than what they were entitled to. It would not be out of place to mention here that the Finance Department had, in its counter-affidavit, admitted that it was a bona fide mistake on their part. The excess payment made was the result of wrong interpretation of the Rule that was applicable to them, for which the appellants cannot be held responsible. Rather, the whole confusion was because of inaction, negligence and carelessness of the officials concerned of the Government of Bihar. Learned counsel appearing on behalf of the appellant teachers submitted that *majority of the beneficiaries have either retired or are on the verge of it. Keeping in view the peculiar facts and circumstances of the case at the hand and to avoid any hardship to the appellant teachers, we are of the view that no recovery of the amount that has been paid in excess to the appellant teachers should be made."*

18. Thus, it is clear that where the pay or other emoluments due to an employee is determined and paid by the employer, and subsequently the employer finds that on account of wrong understanding of the applicable rules by its officers, excess payment has been made, such recovery would be impermissible in law. Further, it has been held that any step of reduction in the pay scale and recovery of alleged excess payment from a Government employee would tantamount to a punitive action because the same has drastic civil as well as adverse consequences. In the present case, though the petitioners submitted explanations, the second respondent passed the impugned orders without any sufficient reason or justification while revising the scale of pay.

19. A perusal of the show cause notice reveals that there is nothing to show that the serving or retired employees had committed any fraud, misrepresentation or suppression of facts either before the Government or before the Board to secure the revision of their pay in

accordance with G.O.Ms.No.63 Finance (PC) Department, dated 26.02.2011. In fact, after the said Government order and subsequent letters, the benefit of pay revision was extended to the employees of all Boards, including the second respondent. The second respondent had also duly passed a resolution to grant the benefits of the revised scale of pay as per the Government order.

20. In view of the foregoing discussion, this Court is of the considered opinion that the order of revision of grade pay of the petitioners dated 10.04.2025 cannot be sustained and is liable to be set aside. Accordingly, the order impugned in this writ petition is hereby set aside and the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

19.11.2025

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

Note : Registry is directed to incorporate all the cause title and issue order copy.

To

1.The Principal Secretary to Government,
Environment Climate Change and Forest (EC.2) Department,
Secretariat,
Chennai – 600 009.

2.The Chairperson,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai – 600 032.

G.K.ILANTHIRAIYAN. J,

Lpp

order in
W.P.Nos.17111 of 2025 and etc batch

19.11.2025