



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2025

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THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WP No. 7707 of 2016

and

WMP Nos. 6911 of 2016, 6912 of 2016 & 6913 of 2016

R.Thiruppathi,
S/o.N.Ramasamy, No.164, 7th Cross,
Bharathi Nagar,
Vayalur Road, Puthur,
Thiruchirapalli-620 017.

Petitioner(s)

Vs

1.Government of Tamil Nadu
Rep. by the Secretary,
Higher Education (G2 Department), Secretariat,
Chennai-9.

2.The Assistant Accountant General,
Office of the Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
381, Anna Salai,
Chennai-600 010.

3.The Director of Collegiate Education,
College Road, Chennai-6.

4.The Joint Director of Collegiate Education,
Trichy Region,
Tiruchirappalli-620 020.

5.The Treasury Officer,
Treasury Office,
Huzur Treasury, Tiruchirappalli.



6. The Secretary,
Bishop Heber College,
Tiruchirapalli-620 017.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in P23/12315663/1/PPO No.R2315663/EDA Dated 15.12.2015, in so far as fixation of reduced pension and gratuity along with the remarks in the admissibility report, issued by the 2nd respondent quash the same and direct the 2nd respondent to fix and pay the pension emoluments and gratuity of the petitioner in the pay of 17,870/- + Rs.4200 GP instead of Rs.15,450 + Rs.2,800 GP and other terminal benefits as recommended by the 4th and 6th Respondent.

For Petitioner(s): Mr.R.Subramanian

For Respondent(s): Mr.S.Arumugam,
Government Advocate

ORDER

This Writ Petition has been filed to call for the records pertaining to the proceedings in P23/12315663/1/PPO No.R2315663/EDA Dated 15.12.2015, in so far as fixation of reduced pension and gratuity along with the remarks in the admissibility report, issued by the 2nd respondent quash the same and direct the 2nd respondent to fix and pay the pension emoluments and gratuity of the petitioner in the pay of 17,870/- + Rs.4200 GP instead of Rs.15,450 + Rs.2,800



GP and other terminal benefits as recommended by the 4th and 6th Respondent.

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2.This Writ Petition has been filed by the Petitioner, who was appointed as Lab Assistant on 21.09.1987 by the 6th Respondent and on 21.09.1997, he was given Selection Grade on completion of 10 years and was promoted as Typist on 01.04.2002 and as Assistant on 01.09.2009 and further promoted as Superintendent on 31.01.2013. The 2nd respondent by impugned order has ordered that once the petitioner has opted for promotional post, he is not entitled for any grade pay and another additional pay which is available for non promotional post alone, as such this petitioner having been promoted as Typist, Assistant, Superintendent, the recovery has to be made. Accordingly, based on the impugned order pay scale was revised and calculation sheet was produced.

3.Learned counsel for the petitioner relied upon the judgment of the Hon'ble single Judge of this Court in W.P.No.16379 of 2018 and batch of cases dated 08.12.2020, wherein the my brother Hon'ble Mr.Justice S.M.Subramaniam has observed as follows and dismissed the Writ Petitions:

“18....The petitioners are not entitled to claim scale of Pay or Grade Pay attached to the post of Selection Grade or Special Grade Laboratory Assistants as they were already promoted and are getting the Sale of Pay attached to the promoted post. This being the factum established, the writ petitioners are not entitled



for the relief as such sought for in these writ petitions.

19. Accordingly, all these Writ Petitions stand dismissed. It is made clear that if any of the petitioners are already retired from service and is a pensioner, then, recovery cannot be imposed from their pension or pensionary benefits....”

4. Learned Government Advocate appearing for the respondent brought my notice to the judgment of the Hon'ble Apex Court in C.A.No.11527 of 2014 reported in **2015 (5) CTC 455**, wherein it was observed that recovery cannot be permitted only in respect of Group C & D service employees and not for the Officer cadres.

5. In view of the above said submissions of the learned counsel on either side and based on the facts and circumstances of this case, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

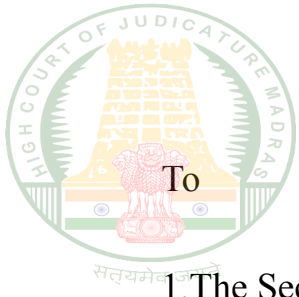
25-02-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Secretary,
Higher Education (G2 Department),
Secretariat, Chennai-9.

2. The Assistant Accountant General,
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(Accounts and Entitlements)
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