



WEB COPY

WP No. 27218 of 2014



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

**WP No. 27218 of 2014
and MP.Nos.1 to 4 of 2014**

R.Balasubramanian

Petitioner

Vs

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

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

3.The Joint Director of
Collegiate Education, Trichy Region,
Tiruchirapalli-620020.

4.The Secretary,
Seethalakshmi Ramasamy College,
Trichy-620002.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India to call for records pertaining to the letter No.4867/G2/2014-2 dated 05.06.2014 issued by the 1st respondent and consequential proceedings in Na.Ka.No. 15641/B2/2011 dated 22.07.2014 issued by the 2nd respondent, quash the same and direct the respondents to continue to pay the scale of pay of Rs.9300-34800 + grade pay of Rs.4400 as on 01.01.2006.

For Petitioner(s): Mr.B.Ravi



For Respondent(s): M/s.R.L.Karthika GA

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ORDER

This Writ Petition is filed seeking to quash the letter No.4867/G2/2014-2 dated 05.06.2014 issued by the 1st respondent and consequential proceedings in Na.Ka.No. 15641/B2/2011 dated 22.07.2014 issued by the 2nd respondent and direct the respondents to continue to paying the scale of pay of Rs.9300-34800 + grade pay of Rs.4400 as on 01.01.2006.

2. The brief facts of the case are that the petitioner joined service as a Lab Assistant on 19.07.1973 and was given Selection Grade on completion of 10 years of service on 19.07.1983. He was given Special Grade and promoted as Typist on 18.02.2008. The petitioner's basic pay was Rs.15,060/- + grade pay of Rs.4,400/- in the scale of pay Rs.9,300-34800 + 40400 Grade pay. Petitioner retired from service on 31.10.2014. The first respondent issued a letter dated 05.06.2014 stating that employees who obtained Selection Grade in the post of Laboratory Assistant prior to 31.12.2005 and were subsequently transferred and working as Typist or Junior Assistant are not entitled to receive the revised pay scale. Based on this letter, the Directorate of College Education directed colleges to take necessary action, resulting in the petitioner's pay scale being reduced and his pension being reduced. Aggrieved by the same, the petitioner has preferred this Writ Petition.



WEB COP 3. The learned counsel for the petitioner submits that the petitioner has been receiving pension based on revised pay for the past 11 years, and Rule 56 of the Tamil Nadu Pensions Rules, 1978 prohibits revision of pension to the disadvantage of the government servant unless there is a clerical error or disciplinary proceedings are pending.

4. On the other hand, the learned counsel for the respondents submits that the petitioner is not entitled to revised pay as per G.O.Ms.No.63, Finance (Pay Cell) Department, dated 26.02.2011, as he was promoted after 01.01.2006.

5. Heard both sides and perused the material available on record.

6. It is relevant to extract the Rule 56 of the Tamil Nadu Pensions Rules, 1978, which reads as:

“Revision of Pension after Sanction.- (1) Subject to the provisions of rules 8 and 9, pension once sanctioned after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of clerical error; subsequently and where it is found to be in excess of the amount finally assessed by the Audit Officer:

Provided that no revision of pension to the



disadvantage of the pensioner shall be ordered by the pension sanctioning authority without the sanction of the Government if the clerical error is detected after a period of two years from the date of sanction of pension.

2. For the purpose of sub-rule (1) the Government servant concerned shall be served with a notice by the pension sanctioning authority, requiring him to refund the excess payment of pensions within a period of two months from the date of receipt of notice by him.

3. In case the Government servant fails to comply with the notice, their pension sanctioning authority shall, by order in writing direct that such excess payment shall be adjusted by short payments of pension in future, in one or more instalments, as the said authority may direct.”

7. As per the provisions of Rule 56 of the Tamil Nadu Pensions Rules, 1978, the pension once sanctioned cannot be revised to the disadvantage of the Government servant unless there is a clerical error. Since 11 years have passed and the petitioner has been receiving revised pension, revising the pension to the disadvantage of the petitioner does not arise.

8. In view of the above, this Writ Petition is allowed. The impugned orders, viz., letter No.4867/G2/2014-2 dated 05.06.2014 issued by the 1st respondent and proceedings in Na.Ka.No.15641/B2/2011 dated 22.07.2014 issued by the 2nd respondent, are hereby quashed. The respondent, are directed to restore the petitioner's original pay scale of Rs.9300-34800 + grade pay of



Rs.4,400/- as on 01.01.2006 and pay any arrears of pension or other benefits within a period of eight weeks from the date of receipt of copy of this order. No costs.

K.SURENDER, J.
04-09-2025

Jai
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes

To

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

2. The Director of Collegiate
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