



Writ Petition No.24386 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

Writ Petition No.24386 of 2019
and W.M.P.Nos.24114 and 24115 of 2019
and WMP.No.34483 of 2019

K.Chandrasekaran,
S/o.Kuttanchetti

... Petitioner

Vs

1. The Assistant Director of Town Panchayat,
Ooty Region, Otacamand, Nilgiris District.

2. The Executive Officer,
Devershola Town Panchayat,
Otacamand, Nilgiris District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent in its Na.Ka.No.145/2019/A2, dated 15.05.2019 and quash the same.

For Petitioner : Ms.V.Kaanchana
for Mr.V.Vijayashankar

For Respondent : Mr.V.Veluchamy
Additional Government Pleader



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ORDER

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Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents and perused the record.

2. The petitioner, by the present writ petition, has assailed the action of the respondents in issuing proceedings dated 15.05.2019 in Na.Ka.No.145/2019/A2, whereby the respondents not only sought to revise the pay fixation undertaken in case of the petitioner but also sought to recover the amount mentioned therein claiming the said amount as excess amount paid as per VI pay commission recommendation and to recover the said amounts in 60 monthly instalments starting from April, 2019.

3. It is a further case of the petitioner that the pay fixation has been done in terms of G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010 and as such the respondents by issuing the impugned proceedings claiming the same as pursuant to audit objection, cannot revise the pay scales contrary to G.O, under which, the said pay scale has been fixed including the recovery of alleged excess payment.



4. On behalf of the petitioner, it is further contended that the issue involved in the present case is squarely covered by the decision of a Co-ordinate bench of this Court dated 22.11.2023 in W.P.Nos.1828 of 2021 and batch.

5. The learned Additional Government Pleader appearing on behalf of the respondents while not disputing that the issue involved in this case, is squarely covered by the decision of this Court in W.P.No.1828 of 2021 & etc., batch, however, would submit that revised scale of pay in terms of VI Pay Commission was notified under G.O.Ms.No.234, Finance Department, dated 01.06.2009 notionally with effect from 01.01.2006, the monetary benefits are payable only from 01.01.2007; that inadvertently the pay of the petitioner was revised as per the pay prescribed for the candidates in technical posts having ITI qualification and categorised as Trade Posts under G.O.Ms.No.338, Finance (PC) Department, dated 26.08.2010; and that on objection being raised by the local fund and remark made as Audit Para No.17.B, as the petitioner is not eligible for the said scale of pay, the same was sought to be revised and also the excess amount paid was sought to be recovered and for the said purpose, the impugned proceedings has been issued.



6. I have taken note of the respective contentions.

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7. Though the respondent sought to justify the action by claiming that the revised pay as fixed in the case of the petitioner was by taking into consideration, the scale payable to skilled worker possessing ITI certificate; that since, the petitioner is not a ITI certificate holder, he is not eligible for the said scale of pay, a perusal of G.O.Ms.No.338, Finance (PC) Department, dated 26.08.2010, at serial No.5 under the head 'other trade post' deals with existing pay scale + grade pay and the revised scale of pay + grade pay by treating designating as “*Unskilled*”.

8. Thus, the claim of the respondents by the counter affidavit that the revised pay scale is only applicable to candidates possessing ITI certificates, who are treated as 'skilled' does not appeal to this Court for being accepted.

9. Further, the Co-ordinate Bench of this Court having already examined the said issue in detail, this Court is of the view that for the reasons indicated therein, the impugned proceedings cannot be sustained.



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10. Accordingly, the writ petition is allowed and the impugned proceedings in Na.Ka.No.145/2019/A2, dated 15.05.2019 is set aside.

There shall be no order as to costs. Connected miscellaneous petitions are closed.

10.11.2025

Index:Yes/No

Speaking Order/Non-speaking order

Neutral Citation:Yes/No

mp

To

1. The Assistant Director of Town Panchayat,
Ooty Region, Otacamand, Nilgiris District.
2. The Executive Officer,
Devershola Town Panchayat,
Otacamand, Nilgiris District.



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T.VINOD KUMAR, J

mp

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