



W.P.No.10499 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.10499 of 2017

S.Lawrance (Deceased)

P-2 Rajalakshmi
(P2 substituted as LR of Deceased P1,
as per order dated 26.02.2024 in
WMP.No.11188/2019 in
W.P.No.10499/2017 by DEVJ)

... Petitioner

Vs.

1.Senior Accounts Officer/Pension,
Officer of the Accountant General,
(Accounts and Entitlements)
Tamil Nadu,
No.361, Anna Salai,
Tyenampet,
Chennai - 600 018.

2.The Special Tahsildar,
(Adidravidar and Tribal Welfare)
Pollachi- 642 001.
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certioraified Mandamus, to call for the records
relating to the proceedings in Pen.16/III/11619071/Rev/ADK dated
02.01.2017, on the file of the first respondent herein and to quash the same,



W.P.No.10499 of 2017

and directing the respondents to pay the petitioner all the benefits including the pension accrued to him on his employment as the Head Master (Selection Grade) by applying G.O.Ms.No.1178 Education Department dated 22.12.1993, Government of Tamil Nadu, within a time frame as may be fixed by this Court.

For Petitioner : Ms.Anisha
for M/s.Elizabeth Ravi
For Respondents : Mr.V.Murali for R1
Mr.L.S.M.Hasan Fizal for R2
Additional Government Pleader

ORDER

The captioned writ petition has been filed seeking the issuance of a writ of certiorarified mandamus, to quash the impugned communication dated 02.01.2017 issued by the first respondent, and to consequently direct the respondents to pay all service and retirement benefits, including the benefits accrued to the petitioner during his tenure as Headmaster (Selection Grade), by applying the provisions of G.O.Ms.No.1178, Education Department, dated 22.12.1993, issued by the Government of Tamil Nadu.

2. The petitioner, who is now deceased and is represented by his legal representative, was appointed as a Teacher in the Government Middle School at Cinchona, Pollachi Taluk, Coimbatore District, under the



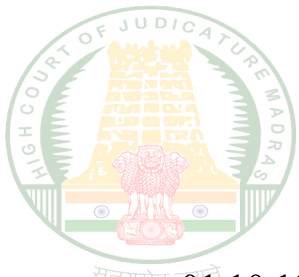
W.P.No.10499 of 2017

WEB COPY

administrative control of the Adi Dravidar and Tribal Welfare Department.

It is the petitioner's claim that during his service, he functioned as Headmaster (Selection Grade) in Government Adi Dravidar Welfare Middle School, Thondamuthur, from 03.08.1977 to 16.02.1979. He retired from service upon attaining the age of superannuation on 31.03.1993, and was subsequently re-employed from 01.04.1993 to 31.03.1994. Based on the above, the petitioner contends that he was entitled to the award of Selection Grade Pay in terms of G.O.Ms.No.1178, Education Department, dated 22.12.1993.

3. The petitioner submitted a representation to the second respondent, requesting revision of his pay scale and pension in accordance with the provisions of G.O.Ms.No.1178, Education Department, dated 22.12.1993, and G.O.Ms.No.156, Adi Dravidar and Tribal Welfare Department, dated 13.10.2005. The second respondent, after considering the representation, forwarded a proposal to the third respondent, recommending revision of pay and pension. However, the first respondent, through the impugned communication dated 02.01.2017, rejected the proposal on the ground that the petitioner did not hold the post of Middle School Headmaster as on



W.P.No.10499 of 2017

WEB COPY

01.10.1970, and therefore, he was not eligible for the benefits under the aforementioned Government Order.

4. The learned counsel for the petitioner contended that the Government Order in G.O.Ms.No.1178 specifically provides for the grant of Selection Grade Pay to Middle School Headmasters who were appointed on or after 01.10.1970. Hence, it is submitted that the impugned communication, which denies the petitioner the benefit of revised pay and pension, is arbitrary, discriminatory, and contrary to the Government Order.

5. Per contra, the learned Additional Government Pleader appearing for the second respondent submitted that G.O.Ms.No.1178, Education Department, dated 22.12.1993, applies only to those who were serving as Middle School Headmasters as on 01.10.1970, and that the petitioner, admittedly having served in the said post only from 03.08.1977 to 16.02.1979, does not fall within the ambit of the said G.O. It was further submitted that the petitioner failed to produce conclusive documentary evidence before the first respondent to establish that he held the post of Headmaster (Selection Grade) during the relevant period, and hence, he is



W.P.No.10499 of 2017

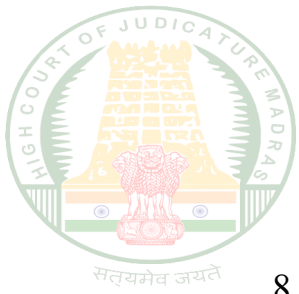
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not entitled to the benefits under G.O.Ms.No.1178, Education Department, dated 22.12.1993.

6. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered by this Court

7. The operative portion of the G.O.Ms.No.1178, Education Department dated 22.12.1993 reads as follows:

".....6.Accordingly in supersession of the instructions issued in Govt.Letter (Ms).No.523 Education dt. 01.06.1992, the Government direct that the Headmasters of middle schools and the Junior Secondary Grade Teachers who acted as Headmasters middle school on 1.10.1970 and subsequently reverted as Headmasters, Primary School or Secondary Grade Teacher and who were allowed to retain the pay scale of Headmaster, Middle School based on Supreme Court Order be allowed selection Grade (780-1385/2000-3200) and special grade (905-1545/2200 4000). On completion of a minimum period of 10/20 years of service irrespective of whether 10 years of service in the selection grade is completed or not. Further, Headmasters, Middle School who were acting in the post of Headmaster, Middle School prior to and after 01.10.70 shall also be allowed above selection Grade/special grade taking into account the total service in the post of Headmaster."



W.P.No.10499 of 2017

WEB COPY

8. A perusal of the aforesaid Government Order clearly indicates that Middle School Headmasters who held the post either prior to or after 01.10.1970 shall be eligible for the grant of Selection Grade, by taking into account their total length of service in the post of Headmaster. In the present case, the petitioner has claimed to have served as Headmaster in the Government Adi Dravidar Welfare Middle School, Thondamuthur, Pollachi Taluk, Coimbatore District, during the period from 03.08.1977 to 16.02.1979. However, ignoring these facts, the first respondent has unjustifiably issued the impugned communication dated 02.01.2017, stating that G.O.Ms.No.1178, Education Department, dated 22.12.1993, is not applicable to the petitioner. Such a conclusion is contrary to the express terms of the said Government Order, which specifically provides for the award of Selection Grade to Headmasters who held the post either before or after 01.10.1970.

9. The respondents, in their counter affidavit, have taken the stand that the petitioner failed to produce conclusive documentary evidence before the first respondent to establish that he held the post of Headmaster (Selection Grade) during the relevant period, and hence, he is not entitled to



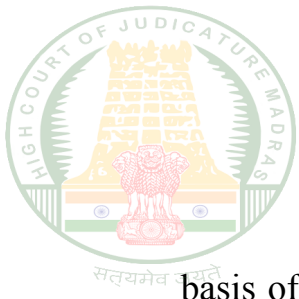
W.P.No.10499 of 2017

WEB COPY

the benefits under G.O.Ms.No.1178, Education Department, dated 22.12.1993. However, a perusal of the impugned communication dated 02.01.2017 reveals that the denial of benefits was not based on any anon production of documentary proof. Rather, the sole reason cited in the impugned order was that the petitioner was not holding the post of Headmaster as on 01.10.1970, and therefore, was ineligible under the terms of the Government Order.

10. It is a well-established principle that authorities cannot supplement or improve upon the reasons originally stated in an impugned order by subsequently advancing new grounds in affidavits filed before the Court. The law is settled that orders must stand or fall on the reasons assigned therein. Furthermore, substitution of reasons by way of pleadings is impermissible. If an administrative order is vitiated by a non-existent or erroneous reason, the same cannot be salvaged by introducing new justifications at a later stage.

11. In the present case, the reason now sought to be advanced i.e., that the petitioner failed to produce sufficient evidence was never the



W.P.No.10499 of 2017

WEB COPY

basis of the impugned communication, and as such, it cannot be relied upon to justify the denial of benefits under the Government Order. Consequently, the impugned order suffers from legal infirmity and is liable to be set aside on this ground alone. Therefore, , the impugned communication issued by the first respondent is in violation of G.O.Ms.No.1178 and is, therefore, not legally sustainable.

12. Accordingly, the impugned order passed by the first respondent in Pen16/III/11619071/Rev/ADK dated 02.01.2017 is hereby set aside. The first respondent is directed to reconsider the proposal in R.C.No.323/2016, dated __.10.2016, submitted by the second respondent/Special Tahsildar, Adi Dravidar and Tribal Welfare, and to pass appropriate orders on merits and in accordance with law, bearing in mind the observations made herein above.

13. The said exercise shall be completed within a period of three(3) months from the date of receipt of a copy of this order. The order to be passed by the first respondent should be communicated to the legal heirs of the petitioner within seven (7) working days from the date of order to be passed.



W.P.No.10499 of 2017

WEB COPY

14. With the above direction, this writ petition is allowed.

No costs.

05.08.2025

msv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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Officer of the Accountant General,
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9/10



WEB COPY



W.P.No.10499 of 2017

HEMANT CHANDANGOUDAR, J.

msv

W.P.No.10499 of 2017

05.08.2025

10/10