IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 26.11.2025

Pronounced on: 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

W.P.No.28237 of 2019

G.Thangamani ... Petitioner

Vs.

1.Greater Chennai Corporation
Rep.by its Commissioner
Ripon Building, Park Town
Chennaij 600 003.

2.Joint Director, Local Fund Audit
Greater Chennai Corporation
Ripon Building, Park Town
Chennai 600 003. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings bearing Mu.Mu.No.A4/427/2019 dated 25.03.2019 issued by the second respondent and quash the same and consequently direct the respondents to grant revised scale of pay to the petitioner as per G.O.Ms.No.321, Finance (Pay Cell), Department, dated 22.07.2013 within a time frame.

For Petitioner : Mr.K.M.Ramesh
Senior Advocate
for Mr.V.Subramani

For Respondents : Mr.S.Gopinathan
Standing Counsel

ORDER

Heard, Mr.K.M.Ramesh, learned Senior Counsel for Mr.V.Subramani, learned counsel for the petitioner and Mr.S.Gopinathan, learned Standing Counsel for the respondents and perused the records.

2. The petitioner by the present Writ Petition has assailed the action of the second respondent in issuing the impugned proceedings dated 25.03.2019 whereby it is stated that issuance of Audit certificate for refixation of the pension of the petitioner cannot be considered as he had given letter of preference only on 04.09.2018 and not as per Government Order in G.O.Ms.No.234, Finance (PC) Department dated 01.06.2009.

3. The case of the petitioner in brief is that he was working with the first respondent since 1983; that he was promoted as Tax Collector on 24.03.1997 and got superannuated on 30.06.2012; that he was granted selection grade on

completion of 10 years of service in the cadre of Tax Collector on 24.03.20(that One Man Commission constituted pursuant to 6th Pay Commission recommendation, recommended that the employees, who are in selection grade between 01.01.2006 to 31.05.2009 are entitled to get revised scale of pay in selection grade and option to that effect should be exercised by the concerned employee; and that the aforesaid recommendation was notified by Government vide Government letter dated 08.11.2010.

4. It is the further case of the petitioner that as the 6th Pay Commission recommendation is not applicable to the employees of the first respondent Corporation automatically and it is only on issuance of G.O.Ms.No.321 dated 22.07.2013, the scale of pay has been revised from the existing pay.

5. The petitioner contended that his existing Scale of Pay + Grade Pay in the post of Tax Collector was 5200-20200+2000 has been revised to 5200-20200+2400 which is in respect of Ordinary Grade and since, he has been placed in selection grade, he would be entitled to pay scale of 9300-34800+4200 as per the Government letter dated 08.11.2010.

6. It is the further case of the petitioner that at the time of his superannuation on 30.06.2012 the respondents have fixed his pensionary

benefits, on the basis of existing pay scale of 5200-20200+2400 (GP), as t G.O.Ms.No.321 in relation to the employees of the first respondent was not available and was issued at a later date.

7. The petitioner further contended that since, the revised pay scale as per 6th Pay Commission recommendations have been made applicable to the employees of the first respondent Corporation only pursuant to issuance of GO.Ms.No.321 dated 22.07.2013 and he having retired from service on 30.06.2012, he had approached the respondent authority and submitted representations dated 09.08.2017, 20.08.2018 and 03.09.2018 for re-fixation of pay and grant of revised pension and also arrears.

8. The petitioner contended that on the petitioner submitting the aforesaid representations, the Zonal Officer had sought for an opinion and Auditor certificate from the second respondent under the cover of letter on 14.02.2019, pursuant to which, the impugned proceedings have been issued by the second respondent claiming that the petitioner did not exercise option in terms of G.O.Ms.234 dated 01.06.2009 within the time and had given his preference only on 04.09.2018, without taking into consideration that even before the Government issuing G.O.Ms.No.321 the petitioner could not have exercised option.

9. Thus, it contended that the impugned proceedings is illegal, arbitra and contrary to G.O.Ms.No.321 and the Government letter dated 08.11.2010.

10. Counter affidavit on behalf of the respondents is filed.

11. By the counter affidavit, it is contended that based on One Man Commission recommendation pay scale for employees of Chennai Corporation in various category of posts were revised by GO.Ms.No.321 dated 22.07.2013 thereby, the pay scale of Tax Collector i.e., the post held by the petitioner was revised from 5200-20200+2200 to 5200-20200+2400; that simultaneously on issuance of G.O.Ms.No.321, the Government issued G.O.No.240 dated 22.07.2013, to exercise the option to adopt the revised scale of pay; that the options under G.O.No.240 is to be exercised within a period of six months; and that as the petitioner did not exercise the option for revised scale of pay within a period of six months as mandated in G.O.No.240, the petitioner is not entitled for the revised scale of pay and that the respondents are not conferred with any authority to condone the delay or extend the period prescribed under the G.O.

12. Contending as above, the respondents seek for dismissal of the Writ Petition.

13. I have taken note of the respective contentions urged.

14. At the outset, a perusal of the impugned proceedings as issued by the second respondent would show that the same is issued without reference to G.O.Ms.No.321 dated 22.07.2013. It is to be noted that the benefit of revised pay scale became entitled for being granted certain categories of employees in Corporation of Chennai only upon the issuance of G.O.Ms.No.321. Till such time the employees of Corporation of Chennai were eligible to draw the pay in the existing scale of pay even though the 6^{th} Pay Commission recommendations were implemented in respect of the other Government employees with effect from 01.01.2006 and monetary benefits being granted with effect from 01.01.2009.

15. Though the G.O.Ms.No.321, mentioned the existing Scale of Pay + Grade Pay in respect of each category of post and the revised Scale of Pay + Grade Pay, it has been specified in Para-2 of the said G.O. that the monetary benefits would be available only from 01.04.2013. Thus, the employees of Corporation of Chennai would be eligible for revised Scale of Pay + Grade Pay only with effect from 01.04.2013 and not before.

16. It is also to be noted that in the Table given in the G.O there is mention as to whether the said existing Scale of Pay and Grade Pay being in relation to Ordinary Grade Selection Grade or Special Grade. By making a reference to the existing Scale of Pay and Grade Pay of Tax Collector as mentioned in the table forming part of Annexure-I to Government letter dated 08.11.2010 as issued for implementing the revision of Scales of Pay, it would be clear that the same with reference to the Ordinary Grade. Since, the petitioner is placed in Selection Grade, the relevant and appropriate revised Scale of Pay + Grade Pay would be 9300-34800+4200 which has also been considered as the appropriate Scale of Pay to which the petitioner is entitled to as mentioned by the Zonal Officer of Chennai Corporation in its communication dated 14.02.2019 addressed to the second respondent.

17. Thus, the petitioner on issuance of G.O.Ms.No.321, notifying the revised Scale of Pay and Grade Pay with effect from 01.04.2013 would be entitled to get his pensionary benefits revised by applying the revised Scale of Pay applicable to the Selection Grade, though is not entitled for being granted any monetary benefits for the period prior to his retirement, on account of the restriction placed in para-2 of the said Government Order. However, the second respondent without reference to the aforesaid proceedings and placing reliance

only on G.O.No.240 issued the impugned proceedings claiming that t petitioner is not entitled to get refixation in order to eligible for revised pension.

18. Since, the respondent by the counter affidavit had placed reliance on G.O.No.240 dated 22.07.2013, this Court examined the applicability of the aforesaid G.O. in the case of retired employees. A reading of the aforesaid G.O. would show that the same is in relation to employees, who are governed by the Tamil Nadu Revised Scales of Pay Rules, 2009, thereby implying that it is in respect of the employees, who are in service and is not applicable to the retired employees. This is for the reason that an employee on retirement, like in the case of the petitioner cannot be considered as an employee being governed by Revised Scales of Pay Rules 2009. Further, the petitioner being retired employee would be governed by the Tamil Nadu Pension Rules, under which the second respondent is required to consider the Scale of Pay to which the petitioner would be entitled to on account of implementation of the 6th Pay Commission recommendation as extended to the employees of Corporation of Chennai, under G.O.Ms.No.321 dated 22.07.2013.

19. Since, the impugned proceedings as issued by the second respondent does not take the aforesaid aspects into consideration and merely stated that the petitioner having not exercised the option within time mentioned in

G.O.No.240, and thus, the pensionary benefits cannot be refixed, in t considered view of this Court shows non application of mind and only goes to show that the second respondent did not take into consideration the relevant G.Os. and Rules into consideration while considering the representation of the petitioner, thereby depriving him to get the pensionary benefits refixed by taking into consideration the benefit of revised Scale of Pay as extended to the employees of Corporation of Chennai.

20. Accordingly, this Writ Petition is allowed, the impugned proceedings dated 25.03.2019 is set aside and the second respondent is directed to refix the pensionary benefits of the petitioner in terms of GO.Ms.No.321 read with Government letter dated 08.11.2010 and grant the pensionary benefits from the date of petitioner's superannuation, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, Miscellaneous Petitions if any, pending shall stand closed.

28.11.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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T. VINOD KUMAR, J.

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To

1.The Commissioner
Ripon Building, Park Town
Chennaij 600 003.

2.The Joint Director, Local Fund Audit
Greater Chennai Corporation
Ripon Building, Park Town
Chennai 600 003.

Pre-Delivery Order in
W.P.No.28237 of 2019

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