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W.P.No.31836 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

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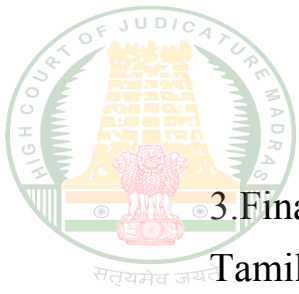
K.Krishnamoorthy

...Petitioner

VS.

1.The Director,
Tamil Nadu Directorate of Schools,
College Road,
Nungambakkam,
Chennai – 06.

2.Joint Director,
Department of Employees
Tamil Nadu Directorate of Schools,
College Road,
Nungambakkam,
Chennai-06.



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3.Finance Controller

Tamil Nadu Directorate of Schools,

College Road,

Nungambakkam,

Chennai-06.

4.State Accountant Generals

No. 361, Anna Salai,

Thenambet,

Chennai-18.

5.Chief Educational Officer

Chief Education Office,

Manjakuppam,

Cuddalore - 607 001.

6.District Educational Officer

(Secondary) District Education Office,

Virudhachalam - 606 001.

7.Head Master,

Government High Secondary School,

Sirupakkam, Vepur Taluk,

Cuddalore District - 606 109.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Mandamus, directing the 1st respondent to refund the sum of Rs.1,60,456/ - (One Lakhs Sixty Thousands Four Hundred and fifty Six) with nominal interest at the rate of 18 percent per annum on the said sum collected as excess payment from the petitioner forthwith and direct the 4th respondent pension authorities to re-work the pension slabs based on the applicable pay-scales to the petitioner without adhering to the deductions and reduced pay-scales submitted by the 7th Respondents.

For Petitioner : Mr. V.Manohar

For Respondents : Mr. S.Prabhakaran
1 to 3, 5 to 7 Government Advocate

For Respondent 4: Mr. P.Mano Rajan
Standing Counsel

ORDER



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The Writ Petition is filed for the following relief:

“directing the 1st respondent to re- fund the sum of Rs.1,60,456/- (One Lakhs Sixty Thousands Four Hundred and fifty Six) with nominal interest at the rate of 18 percent per annum on the said sum collected as excess payment from the petitioner forthwith and direct the 4th respondent pension authorities to re-work the pension slabs based on the applicable pay-scales to the petitioner without adhering to the deductions and reduced pay-scales submitted by the 7th Respondents”.

2. The petitioner joined as a Secondary Grade Teacher in Olakkur Government High School on 04.09.1986 on the pay Scale of Rs.1200-30-1660-40-2040. Thereafter, he served in the School till 08.02.1994 and got transferred to Sirupakkam Government High School at Cuddalore District. The petitioner had retired from the said service at Cuddalore on superannuation on 29.02.2024, however relieved on the



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last day of May 2024 as per norms of end of academic year ending requirements.

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3. The petitioner have served till 04.09.1996 as Secondary Grade Teacher and on completion of 10 years of service from 04.09.1996 considered selection grade and extended with due pay scales. From 04.09.2006 onwards he was put on special grade pay scale due to 20 years service requirements. Thereafter, from 2006 to 04.09.2016 he was placed on super grade category due to the 30 years service. Under these circumstances having been retired as per records as on 29.02.2024 on the pay scale Rs.82,900/- the pension papers were submitted by the Sirupakkam Government School Authorities to the State Accountant General Office at Chennai for the preparation and approval of the applicable pensions to him as on 20.03.2024.

4. In response the 4th respondent had written back requesting to



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clarify the pay scale discrepancies found according to them and pointed out the grade of pay extended to the service of the petitioner varies from applicability without taking into account the fact that a service of more than 30 years without promotions contemplate for extension of super grade pay under the rules.

5. The petitioner further states that the 7th respondent after the query raised by the audit office have construed and assumed without cross verification that they have committed an error in extending the super grade pay to the petitioner and immediately without any hesitation or working out the qualified pay scale had stated the petitioner to give up the upgraded pay scale to regulate the formulation of pension derivations and smooth retirements. On such compulsions and due to the constrains faced on the account of his retirement, the petitioner succumbed to the advice of the school authorities to remit back the amount to get his original pay scale and paid the calculated amount of Rs.1,60,456/- by and through the E-challan dated 02.07.2024 towards the recovery head from 04/2013 to 02/2024.



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6. The petitioner at that point of time was carried away by the assurance of the School authorities to act in tandem with their directions and adhered without knowing the consequences and implications of such insistence. Apart from that if he had questioned about his eligibility and refused to pay the directed amount he would not have been allowed to retire peacefully and his petitions would not have been forwarded for sanctions. Hence such demand and receipt of payment are not only illegal but also not permitted under the rules governing the same. In this regard the petitioner sent a representation dated 19.03.2025 to the respondents. However, there is no response. Therefore, the petitioner is before this Court.

7. Heard the learned counsels on the either side and perused the records.

8. Considering the fact that the petitioner's representation dated



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19.03.2025 has not been considered, the respondents are directed to consider the same within a period of 1 month from the date of receipt of a copy of this order.

9. The Writ Petition is allowed with the above direction. No costs.

28.08.2025

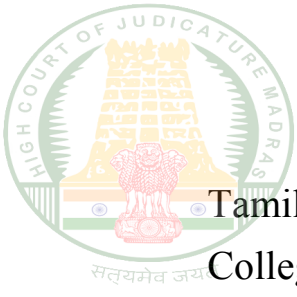
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To

1.The Director,

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