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W.A.No.3136 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.3136 of 2025

1. The Government of Tamil Nadu
Rep. by its Secretary
Revenue and Disaster Management Department
Fort St. George, Chennai – 600 009.
 2. The Commissioner of Revenue
Administration, Chepauk
Chennai – 600 005.
 3. The District Collector
Tuticorin District.
 4. The District Collector
Kancheepuram District. .. Appellants
- Vs.
- M.Chenthivel .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order passed in W.P.No.21324 of 2021 dated 05.10.2023.

For the Appellants : Mr.M.Alagu Goutham
Government Advocate

For the Respondent : Mr.K.Raja



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JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 05.10.2023 made in W.P.No.21324 of 2021.

2. That the respondent was the writ petitioner, who was initially appointed as a Jeep Driver at the appellant Department on 20.06.1986 and thereafter, he was promoted as Junior Assistant, then, was reverted back to Jeep Driver, against which, he filed an Original Application before the then existing Tamil Nadu Administrative Tribunal, where he got some favourable order. In the meanwhile, some of his juniors got promoted to the next higher category, therefore, he filed a writ petition and the writ petition was allowed on 06.04.2010. Pursuant to the order allowing the said writ petition in W.P.No.23570 of 2006 dated 06.04.2010, he was given retrospective promotion and his seniority also has been restored and on his superannuation, he retired from the post of Deputy Collector on 30.04.2017.

3. However, his grievance was that, even though retrospective promotion has been given to him at various stages



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from Assistant to Deputy Collector, correspondingly, his pay has not been revised. Had it been revised, his last drawn pay at the time of superannuation would have been a different one, that is enhanced pay. Based on such last drawn pay alone, since pension has to be calculated and if that had been calculated, the respondent/writ petitioner would be entitled to get a higher pension, which he had been denied. Therefore, he approached the Writ Court, seeking quashment of the Government Order in this regard passed by the Government in G.O.(2D)No.199, Revenue and Disaster Management Department, Service Unit, dated 11.11.2020.

4. The learned Writ Court, having considered the aforesaid factual matrix, has allowed the said writ petition, however, a direction in the operative portion of the impugned order in paragraph 7 has been given to the following effect:-

"7. Accordingly, this Writ Petition is allowed and the impugned order passed by the first respondent in G.O.(2D) No.199, Revenue and Disaster Management Department, Service Unit, Service 2(3) Section dated 11.11.2020 is hereby quashed and the respondents are directed to forthwith pay monetary benefits / arrears in the post of Assistant, Deputy Tahsildar, Tahsildar and Deputy Collector with retrospective effect from the date on which retrospective promotion was given to the petitioner and consequently enhance the pay and the retirement benefits of the petitioner including monthly pension. No costs."



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5. In this context, it is the grievance of the appellant State that, insofar as the revised pension is concerned, certainly, the respondent/writ petitioner is entitled to get on par with his juniors who have drawn higher pay at the time of the original promotion, which, the juniors had earned consistently from the post of Assistant to Deputy Collector and in this regard, if the notional promotion for the respondent/writ petitioner also is taken into account for all these categories from Assistant to Deputy Collector, certainly, his last drawn pay would have been an enhanced one, but, at the same time, since the respondent/writ petitioner had not worked in any of these posts, for which, notionally he had been promoted, now, he is not entitled to get any difference of salary arrears. Therefore, the directions given in this regard in paragraph 7 of the impugned order is liable to be interfered with, is the submission of *Mr.M.Alagu Goutham*, learned Government Advocate.

6. Even though some attempts have been made by *Mr.K.Raja*, the learned counsel appearing for the respondent/writ petitioner, to defend the order passed by the learned Writ Court, insofar as the proposition that the promotion earned by the respondent/writ petitioner is only notional and because of which, he is only entitled to get revised pension and not arrears of pay is concerned, the



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learned counsel for the respondent/writ petitioner also has to accept the same, accordingly, he has accepted.

7. In that view of the matter, this Court is inclined to dispose of this writ appeal by making modifications to the order which is impugned herein passed by the Writ Court to the following effect:-

(i) That the respondent/writ petitioner shall be entitled to get the revised pension on the basis of the revised pay to be fixed as his last drawn pay in the post of Deputy Collector, from where, he got retired on the date of superannuation, that is on 30.04.2017. In this context, the appellant Department is hereby directed to calculate the last drawn pay in the category of Deputy Collector to the respondent/writ petitioner by taking into account the notional promotion earned by him for the post of Assistant, Deputy Tahsildar, Tahsildar, as well as Deputy Collector on the following dates, namely 03.08.1995, 14.02.2005, 08.04.2009 and 26.07.2013 and accordingly, the revised pension be fixed and the same shall be continued to be paid to the respondent/writ petitioner.



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(ii) Insofar as the difference of arrears of revised pension is concerned, that also be calculated and paid to the respondent/writ petitioner within a period of two months from the date of receipt of a copy of this order.

8. To that extent, the order impugned is modified and accordingly, this writ appeal is disposed of. However, there shall be no order as to costs. Consequently, C.M.P.No.25443 of 2025 is closed.

(R.S.K., J.) (H.C., J.)
11.11.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

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