



WP(MD). No.927 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 29/10/2025

Pronounced on :

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.927 of 2024

and

WMP(MD)No.950 of 2024

M.Balasubramanian

... Petitioner

Vs

1. The Director of Agriculture,
Chepauk, Chennai - 600005.

2. The Accountant General (A & E),
Tamilnadu, Anna Salai,
Chennai - 600018.

3. The Joint Director of Agriculture,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Authorization No.AG (A and E) / PEN P07/10725447/2/R0725447 dated 22.06.2022 issued by the 2nd



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Respondent in so far emoluments last drawn Rs.1,01,000/- is concerned and consequential authorization of Pensionary benefits and quash the same as illegal and consequently direct the second Respondent to authorise the Pensionary benefits based on average emoluments of Rs.1,10,300/- as proposed by the 3rd respondent in his letter dated 19.05.2022 and issue revised re-authorization for disbursement of Pensionary benefits to the petitioner, within the time that may be stipulated by this Court.

For Petitioner : Mr.K. Ponnaiah,
Advocate.

For Respondents : Mr.M.Siddharthan for R1 and R3
Additional Government Pleader

M/s.P.Gunasekaran for R2

ORDER

Writ Petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Authorization No.AG (A and E) / PEN P07/10725447 /2 /R0725447 dated 22.06.2022 issued by the second respondent in so far emoluments last drawn Rs.1,01,000/- is concerned and consequential authorization of Pensionary benefits and quash the same as illegal and consequently direct the second respondent to authorise the Pensionary benefits based on average emoluments of Rs.1,10,300/- as proposed by the third respondent in his letter dated 2/10



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19.05.2022 and issue revised re-authorization for disbursement of Pensionary benefits to the petitioner, within the time that may be stipulated by this Court.

2. Learned counsel for the petitioner would submit that the petitioner who was working as a Deputy Director of Agriculture was permitted to retire on attaining superannuation vide Government Order dated 31.05.2022. Learned counsel for the petitioner would further submit that the petitioner was joined as an Agriculture Officer on 20.01.1993 and was also awarded a selection grade on completion of 10 years of service as agriculture officer on 20.01.2003. The petitioner was promoted as an Assistant Director on 17.12.2012. When the promotion order was issued to the petitioner, the petitioner was on Medical Leave on 21.12.2012 and after issuance of the fitness certificate by the medical board, he joined the duty. When that be so, by proceedings dated 18.02.2014, the petitioner was conferred with the Special Grade for completing 20 years of service on 20.01.2013. Thereafter, he had also promoted as Deputy Collector (Agriculture) as he has superannuated as Deputy Director of Agriculture on reaching the age of superannuation.



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He would submit that his pay was revised and refixed pursuant to his promotion and was fixed at Rs.1,10,300/- per month. The third respondent had sent a proposal for payment of his pension, commutation and retirement gratuity on 19.05.2022 and the second respondent had also authorized the pensionary benefits by reducing the last pay drawn at Rs.1,01,000/- under the impugned authorization with a remark indicating that the petitioner having promoted as Assistant Director on 19.12.2012, ought not to have been sanctioned in the Special Grade in the lower post of Agriculture on 22.01.2013. He would vehemently contend that even though the promotion was granted to the petitioner on 19.12.2022 as Assistant Director, he had only joined the post on 22.01.2013 and therefore he was only an Agriculture Officer on 20.01.2023 when he was granted the benefit of Special Grade. Hence, he would submit that the authorisation given by the second respondent fixing the emoluments as Rs.1,01,000/- as last drawn and arriving at the pensionary benefits on that ground, is illegal and that the same should be set aside in so far as the fixing the emoluments wrongly and direct the respondents to consider the petitioner's last pay drawn as Rs.1,10,300/- and issued a revised authorisation for disbursal of pensionary benefits.



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3. Countering his arguments, learned counsel for the second respondent would submit that the petitioner who was working as an Assistant Agriculture Officer was promoted to the post of Assistant Director on 19.12.2012. That is before completing of 20 years of service in the cadre of Agriculture Officer which would disentitle him for being getting the benefit of the special grade. He would submit that the petitioner had innocuously went on Medical leave and had joined the duty as Assistant Director to claim a unjustful enrichment of the Special Grade which he would attain on 20.01.2013 on the strength of a Medical Certificate given by him. He would submit that the date of promotion is relevant and not the date of joining. Therefore, without calculating special grade increment given to the petitioner, the last drawn emoluments have been worked out and based upon which authorisation has been given for the pensionary benefits of the petitioner.

4. Learned Additional Government Pleader appearing for the respondents 1 and 3 would submit that the Government employee is entitled for Selection Grade and Special Grade, only if they do not get



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promoted to a higher post on completion of 10 years and 20 years respectively. He would submit that in the present case admittedly, the petitioner was appointed as an Agricultural Officer on 20.01.1993 and was conferred with Selection grade on 20.01.2003. Before completion of 20 years to gain the Special Grade, the petitioner was issued with an order of promotion promoting him as a Assistant Director on 17.12.2012. The petitioner went on medical leave and joined the promoted post on 22.01.2013. Therefore, the petitioner who had been promoted on 17.12.2012 is not entitled for grant of the Special Grade. He would further submit that the petitioner did not join the duty as an Agriculture Officer, but had joined the post of Assistant Director on 22.01.2013 which would mean that the petitioner had been relieved from the post of Agriculture Officer, immediately on the issuance of order of promotion. Hence he would submit that there is no error in authorising the pensionary benefits and other benefits by fixing the emoluments last drawn as Rs.1,01,000/-. He would submit that if the claim of the petitioner is entertained, the same would only amount to unjust enrichment by the petitioner. Hence he seeks dismissal of the Writ Petition.



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5. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. There is no dispute with regard to the dates of appointment and grant of Selection Grade to the petitioner. The petitioner was entitled for a Special Grade on completion of 20 years ie., on 20.01.2013. However, before a period of one month, that is on 17.12.2012, the petitioner had been given promotion to the next higher category namely Assistant Director of Agriculture. He had proceeded on medical leave on 19.12.2012 and was given a medical fitness on 22.01.2013, ie., two days after his completing 20 years in the cadre of Agriculture Officer. As rightly pointed out by the learned Additional Government Pleader, the petitioner had not rejoined in the post of Agriculture Officer but had joined in the promotional post of Assistant Director (Agriculture). The petitioner had not pleaded as to, on which date the petitioner was relieved from the post of Agriculture officer. The order of promotion would indicate that that such promotees would have to be released forthwith. Had not the petitioner been relieved from the post prior to 20.01.2013, that is the date on which he had completed 20 years, he



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would not have been permitted to join the promotional post of Assistant Director. Since the petitioner had already been relieved from the post of Agriculture officer, this Court is of the view that he would not be entitled for a Special Grade in the post of Agriculture Officer, as he had already been promoted on 17.12.2012.

7. For the aforesaid reasons, this Court do not find any merits in the writ petition. Accordingly, this writ petition is dismissed. No costs.

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NCC : yes / no
Index : yes / no
Internet : yes /no

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To

1. The Director of Agriculture, Chepauk, Chennai - 600005.
2. The Accountant General (A & E), Tamilnadu, Anna Salai, Chennai - 600018.
3. The Joint Director of Agriculture, Tirunelveli, Tirunelveli District.



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K.KUMARESH BABU, J

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Pre - delivery order made in

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Date : /2025