



W.P.(MD)No.17936 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

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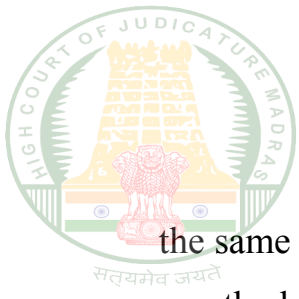
... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government
School Education Department,
Fort St.George, Chennai-9.
- 2.The Commissioner of School Education,
DPI Campus, Chennai-6.
- 3.The Principal Accountant General,
(Accounts and Entitlement) Tamil Nadu,
Chennai-18.
- 4.The District Educational Officer,
Hosur,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Writ of Certiorarified Mandamus, calling for the records related to the order passed by the third respondent in his proceedings in AG/A and E/Legal Cell/WA(MD) 1400 of 2014/18-19/, dated 20.09.2018 and quash



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the same as illegal and consequent direction may be issued to the respondents to pay the benefits to the petitioner by revising the pension accepting the proposal sent by the DEO, Hosur in Pa.Mu.No.5291/A2/2009, dated 26.02.2018 within stipulated time.

For Petitioner	: Mr.T.A.Ebanezer
For R-1, R-2 & R-4	: Mr.S.Shaji Bino, Special Government Pleader
For R-3	: Mr.P.Gunasekaran, Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 20.09.2018 rejecting the proposal sent by the fourth respondent revising the pensionary benefits payable to the petitioner. The third respondent, under the impugned proceedings, has rejected the proposal sent by the fourth respondent on the ground that the pensionary benefits have already been admitted and authorizations issued for the correct Last Pay Drawn of Rs.11575 + 500 Personal Pay to which the petitioner is eligible. On that ground, the third respondent under the impugned proceedings has held that the question of revision of his pensionary benefits, based on the incorrect fixation made by the Department earlier does not arise, as both the



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orders of this Court dated 23.11.2020 and 19.04.2017 are clear and unambiguous.

2. The petitioner was working as a PG Assistant and was subsequently promoted to the post of High School Headmaster. The petitioner claims that as per Fundamental Rule 22-B and G.O.(Ms).No.590, Finance (Pay Cell) Department, dated 01.08.1992, he is entitled to salary revision and fixation in the promoted post after getting one increment in the lower post. According to the petitioner, the same was denied and therefore, the petitioner filed a writ petition in W.P.(MD).No.7823 of 2009 before this Court and by order dated 23.11.2010, the said writ petition was allowed and the impugned order was set aside. The respondents were also directed to refund the excess payments collected from the petitioner. Aggrieved by the above said order, the State filed a Writ Appeal in W.A.(MD).No.1400 of 2014, which also came to be dismissed by order of the Division Bench of this Court on 19.04.2017. Thereafter, a Contempt Petition was also filed by the petitioner to implement the order of the learned Single Judge dated 23.11.2010 passed in W.P.(MD).No7823 of 2009. Since the proposal was sent by the fourth respondent to the third respondent pursuant to the orders passed in the writ petition and the same was under consideration by the third respondent, the contempt petition came to be closed



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on 16.03.2018. The petitioner claims that he was under the impression that his

WEB pensionary benefits would be revised pursuant to the proposal sent by the fourth respondent dated 26.02.2018 to the third respondent. However, according to the petitioner to his shock and surprise, the impugned order dated 20.09.2018 came to be passed by the third respondent rejecting the proposal sent by the fourth respondent dated 26.02.2018 to the third respondent by citing that the order passed by this Court on 23.11.2010 in W.P.(MD).No.7823 of 2009 as well as the decision of the Division Bench of this Court in W.A.(MD).No.1400 of 2014 dated 19.04.2017 have been complied with, the question of granting revision of the petitioner's pensionary benefits does not arise. However, the petitioner contends that the prayer sought for in W.P.(MD).No.7823 of 2009 was only to revise the petitioner's pensionary benefits and since the writ petition is allowed and the impugned order was set aside, the petitioner is entitled for revision of the pensionary benefits as per the proposal sent by the fourth respondent dated 26.02.2018 to the third respondent. Therefore, according to the petitioner, arbitrarily by total non-application of mind, the proposal sent by the fourth respondent dated 26.02.2018 has been rejected by the third respondent under the impugned order. The petitioner contends that the direction given by this Court in W.P.(MD).No.7823 of 2009 dated 23.11.2010 was only a consequential direction to refund the excess payments collected from the



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petitioner and since the writ petition was allowed, the proposal sent by the

fourth respondent ought to have been granted by the third respondent.

3. A counter-affidavit has been filed by the fourth respondent before this Court. Though they may reiterate that the petitioner is not entitled for revision of pensionary benefits as prayed for in this writ petition, the fact that there was a proposal sent by the fourth respondent to the third respondent on 26.02.2018 proposing to revise the pensionary benefits of the petitioner has not been specifically considered in the impugned order. There is absolutely no reference to the same in the impugned order passed by the third respondent. The third respondent has rejected the proposal sent by the fourth respondent only on the ground that the respondents have complied with the directions of this Court issued in the writ petition as well as in the writ appeal. Since there is no reference to the alleged proposal said to have been sent by the fourth respondent to the third respondent dated 26.02.2018 and the petitioner also reiterates before this Court that since the writ petition has been allowed, he is entitled for revision of his pensionary benefits, this Court is of the considered view that the impugned order is a non speaking order with regard to the contentions of the petitioner as raised in this writ petition. Since it is a non speaking order, the impugned proceedings of the third respondent dated 20.09.2018 has to be



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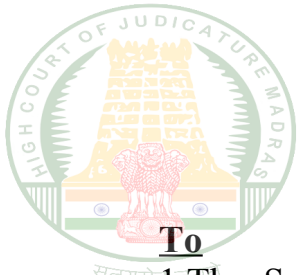
quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.

4. Accordingly, the impugned order dated 20.09.2018 passed by the third respondent is hereby set aside and the matter is remanded back to the file of the third respondent for fresh consideration. Since the petitioner is now aged about 75 years, this Court deems it fit to direct the third respondent to pass final orders within a period of six weeks from the date of receipt of a copy of this order. The third respondent shall pass final orders after giving due consideration to the alleged proposal said to have been submitted by the fourth respondent to the third respondent on 26.02.2018 as well as the Fundamental Rule 22-B. It is made clear that this Court has not expressed any opinion on the merits of the petitioner's case.

6. Accordingly, this Writ Petition stands disposed of. No costs.

10.09.2025

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



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To

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-9.

2.The Commissioner of School Education,
DPI Campus, Chennai-6.

3.The District Educational Officer,
Hosur,
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ABDUL QUDDHOSE, J.

TSG

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