



Rev.Aplc Writ(MD)NO.108 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev.Application Writ (MD)No.108 of 2025

The High Court of Judicature at Madras,
rep. by its Registrar General,
High Court, Chennai-104.

... Review Petitioner/3rd Party

Vs.

1.C.Jacob
2.The District Judge,
Sivagangai District.

... Respondent No.1/Petitioner

... Respondent No.2/Respondent No.1

3.The Sub Judge,
Sub Court, Devakottai,
Sivagangai District.

... Respondent No.3/Respondent No.2

PRAYER: Review Petition filed under Rule 1 of Civil Procedure Code, to review the order dated 20.12.2017 passed in W.P(MD)No.12104 of 2017.

For Petitioner : Mr.D.Sivaraman
For R1 : No appearance



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ORDER

(Judgment of the Court was made by **S.M.SUBRAMANIAM.,J.**)

The Review Application has been filed by the Registrar General, High Court, Chennai to review the order dated 20.12.2017 in W.P(MD)No.12104 of 2017.

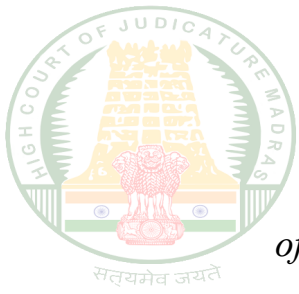
2. The facts are not in dispute. The first respondent was appointed as a Reader in the District Judiciary on 16.04.1993. The post of Reader and Junior Assistant was having an identical scale of pay during the relevant point of time. The first respondent was posted as Junior Assistant on 13.08.1997. On completion of 10 years of service from the year 1993, the first respondent was awarded Selection Grade in the post of Junior Assistant on 26.04.2003. The issue considered by the Writ Court was whether the Selection Grade pay fixed in favour of the first respondent was over and above the scale applicable to the next level promotion post i.e., Assistant. The issue relating to correctness of re-fixation made by the Review Petitioner was not considered in the writ proceedings. Thus, the present Review Application came to be instituted.



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3. The learned counsel appearing on behalf of the review petitioner would submit that an error was apparently crept in view of the fact that the very issue relating to fixation and re-fixation of pay was not considered, which resulted in filing of the present Review Application. That apart, the writ Court has not considered the conditions imposed in para 4 of the Government Clarificatory Letter No.63305/Pay Cell/2010-1, dated 08.11.2010. Clause 4 (i) of the said Clarificatory Letter reads as under:-

"i) The revised Selection Grade / Special Grade scales of pay in the case of employees awarded Selection Grade / Special Grade prior to 1-1-2006 and in whose cases the Ordinary Grade scales of pay have been revised based on the recommendations of One Man Commission / further order of Government thereon shall be fixed as per the scales of pay indicated in the Annexure -1 to this letter following the same methodology of fixation of pay in the Selection Grade / Special Grade scales of pay of employees as was done in Pre-2006 scales of pay as indicated in Appendix - II of G.O.Ms.No.162, Finance (PC) Department, dated 13.04.1998 subject to the same condition stipulated therein that if the revised Selection Grade / Special Grade scales of pay indicated in the Annexure-I happens to be higher than the first level / second level promotion posts, then in such cases only the revised Selection Grade /Special Grade scales



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of pay should be restricted to the level of their first level and second level promotional posts respectively."

4. Undoubtedly, while granting the benefit of Selection Grade, the pay fixing authority should take into consideration that the Selection Grade pay shall not exceed the next level promotional pay applicable to the particular employee. In the present case, the post of Reader and Junior Assistant carry the identical scale of pay. The next level promotion post is Assistant. But in the re-fixation of pay done in favour of the first respondent exceeded the pay scale applicable to the post of Assistant and that is the reason why, the authorities revised the fixation by imposing recovery. The Writ Court quashed the same, which is deserves no excess cannot be recovered after long time.

5. However, regarding re-fixation, the Writ Court has not considered the Government Letter, which may result in larger repercussion in the event of allowing the first respondent to get over and above the pay applicable to the promotional post of Assistant. Selection Grade is to be fixed in respect of the scale of pay applicable to the next level promotion post. Thus, the re-fixation done in the impugned order is in consonance with the recommendations of the Pay



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Commission and the condition imposed in the clarificatory letter as stated above.

Therefore, the writ order dated 20.12.2017 stands modified with reference to the re-fixation of pay done in the impugned order. As far as the recovery is concerned, the order of the Writ Court is in accordance with the principles and we are not inclined to interfere with the same. With these modifications, the review petition stands allowed in part. No costs.

(S.M.S., J.) & (G.A.M., J.)
28.08.2025

NCC : Yes / No
Index : Yes / No
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S.M.SUBRAMANIAM, J.
AND
G.ARUL MURUGAN, J.
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