



W.P(MD)No.22421 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22421 of 2025

and

W.M.P(MD)No.17505 of 2025

M.F.Thangaraja

... Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. by its Secretary,
Finance (Pay Cell) Department,
St.George Fort, Chennai.

2.The Commissioner of Technical Department,
Directorate of Technical Education,
Guindy, Chennai- 600 025.

3.The Principal,
Government Polytechnic,
Tuticorin District.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call



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for the records relating to the proceedings of the impugned order in Order No.10204/B.N2/2025 dated 27.03.2025 on the file of the 2nd respondent and quash the same and further directing the respondents to refix the scale of pay of the petitioner as per G.O.Ms.No.314 (Finance Department) dated 22.07.2013 and to disburse the monetary benefits within the time frame fixe by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order in Order No.10204/B.N2/2025 dated 27.03.2025 on the file of the 2nd respondent and quash the same and further directing the respondents to refix the scale of pay of the petitioner as per G.O.Ms.No.314(Finance Department) dated 22.07.2013 and to



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disburse the monetary benefits within the time frame fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel for the petitioner submitted that the petitioner was appointed in the year as Laboratory Assistant under the 3rd respondent on 18.06.1973. He was not given promotion and he was stagnated in the post of Laboratory Assistant conferred with the selection grade in the year 1985 and thereafter with special grade in the year 1995. Subsequently, he was retired from service on 30.09.2011. However, between 1995 to 2011 he was not given any promotion. Hence, the petitioner filed a writ petition before this Court in W.P(MD)No.14252 of 2010. This Court by its order dated 30.03.2012 allowed the writ petition by directing the respondents to give notional promotion with effect from



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the date on which his junior was promoted ie., on 01.12.2010 and further directed to revision of pensionary benefits. The same was challenged by the respondents before the Division Bench in W.A(MD)No.788 of 2013. This Court by order dated 13.03.2013 dismissed the writ appeal observing that the petitioner has made out a case considering his name for inclusion in the panel for promotion for the post of Workshop Instructor in the second respondent Polytechnic. Since the petitioner retired on 30.09.2011 the respondents are directed to give notional promotion with effect from the date on which his junior was promoted ie., on 01.12.2010 to enable him to get revision of pension. Since the petitioner has not served in the promotional post, he is not entitled to get difference in salary from the date of notional promotion till his retirement ie., from 01.12.2010 to 30.09.2011. However, the grievance of the petitioner is that the petitioner prior to that the petitioner's pay was not fixed in the category of Laboratory Assistant Special Grade and subsequently the petitioner made a representation to confer the pay fixation in the post of Laboratory Assistant Special Grade. However, the same was rejected by the respondents which is not sustainable. Accordingly, he prayed for



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5. Per contra, the learned Government Advocate for the respondents would submit that admittedly, the petitioner retired from service in the year 2011 and after retirement. While he was in service, the petitioner made a representation to the Government to consider the petitioner to the post of Workshop Instructor on par with his junior with effect from 01.12.2010. However the same was rejected by the second respondent on 26.06.2010. The same was challenged before this Court in W.P(MD)No.14252 of 2010. This Court by order dated 13.03.2012 allowed the writ petition by issuing a direction to the respondents therein to give notional promotion to the petitioner from the date on which his junior was given promotion ie., on 01.12.2010 to enable him to get revision of pension and the same was confirmed by the Division Bench of this Court in W.A(MD)No.788 of 2013 vide order dated 13.03.2013. Thereafter, the petitioner made a representation on 12.02.2025 after lapse of 15 years for claiming refixation of the pay in the category of Laboratory Assistant in the Special Grade. However, the same was



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rejected on the simple ground that the petitioner was given notional promotion in the category of Workshop Instructor from 2010. Prior to that his salary cannot be refixed when a person is reached notional promotion subsequently. If at all the petitioner have grievance that he was not properly fixed in the category of Laboratory Assistant Special Grade, he has to work out his remedy only prior to retirement not after the retirement that too after given promotion to the post of Workshop Instructor. Accordingly, he prayed for dismissal of this writ petition.

6. Considering the submissions of both counsels, it is evident that the petitioner retired from service on 30.09.2011. During his service, he had already approached this Court in W.P.(MD)No.14252 of 2010, which was allowed by order dated 30.03.2012 directing notional promotion from 01.12.2010, with consequential revision of pension. The said order was confirmed by the Division Bench in W.A(MD)No.788 of 2013. Having accepted notional promotion, the petitioner cannot, after more than 15 years, seek pay re-fixation in the category of Laboratory Assistant (Special Grade). The present claim, raised after an inordinate



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delay, clearly suffers from laches and is therefore not maintainable. Any such grievance ought to have been raised before his retirement. As the claim is clearly belated and unsustainable, this Court finds no merits in the writ petition.

7. Accordingly, this Writ Petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

18.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
PJJ

To

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Chennai.

2.The Commissioner of Technical Department,
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M.DHANDAPANI,J.

PJL

3.The Principal,
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**ORDER MADE IN
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DATED : 18.08.2025

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