



W.P.(MD).No.15732 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15732 of 2018

and

W.M.P(MD) No.14098 of 2018

K.Ramachandran

... Petitioner

Vs.

1. The Principal Accountant General,
Office of Accountant General (A&E)
361, Annasalai,
Teynampet, Chennai – 600 018.

2. The District Collector,
Kanyakumari District,
At Nagercoil.

3. The Block Development Officer,
Thiruvattar Panchayat Union,
Kanyakumari 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 on the files of the first respondent pertaining to its order bearing No.Po3/4/10320152/ADK/368, dated 02.03.2018 and to quash the same and consequently direct the respondents to pay the pension in accordance with the



W.P.(MD).No.15732 of 2018

salary received by the petitioner which has been fixed by the employer of the petitioner and paid to the petitioner till he attain the age of superannuation.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.P.Gunasekaran
For R2 and R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a retired Jeep Driver of the third respondent Panchayat Union, challenging the order dated 02.03.2018 passed by the first respondent, wherein his pensionary benefits have been reduced.

2. According to the learned counsel appearing for the writ petitioner, initially the petitioner was appointed as a Watch man in the year 1982 and later, he was promoted as a driver with effect from 01.06.1998. The petitioner was conferred with the Selection Grade in the cadre of Driver with effect from 01.01.2008. The petitioner had attained superannuation on 31.03.2015. At the time of retirement, the scale of pay was Rs.12,430+4200/-GP. The pension proposal was forwarded to the first respondent herein on the basis of the above said pay scale. However, it was returned by the first respondent



W.P.(MD).No.15732 of 2018

herein by way of a communication dated 13.07.2015. The first respondent has fixed the pay scale of the writ petitioner at Rs.11,560 + 2,400/- GP and continued to disburse the pensionary benefits on the above said pay scale. These facts are not in dispute.

3. The petitioner herein sent a representation on 27.11.2017 to the first respondent herein seeking to rectify the pay anomaly. Pursuant to the said representation, the impugned order was passed on 02.03.2018 pointing out that he is not eligible to receive the Selection Grade. Challenging the said order, the present Writ Petition has been filed.

4. According to the learned counsel appearing for the writ petitioner, as per Annexure -1 in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, he was granted with the Selection Grade Pay Scale in the scale of pay at Rs.9300-34800 + 4,200/- Grade Pay. Pursuant to increment granted to him, ultimately, at the time of retirement the petitioner was receiving salary in the pay band of Rs.12,430 + 4,200 Grade Pay. When the pay scale was revised based on the Government Order, without notice to the petitioner, the same cannot be reduced by the first respondent herein.



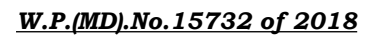
W.P.(MD).No.15732 of 2018

WEB COPY

5. Per contra, the learned counsel appearing for the first respondent herein relying upon the note under Annexure -1 of the above said Government Order submitted that the Selection Grade/Special Grade scales of pay is applicable only to employees awarded Selection Grade/Special Grade prior to 01.01.2006 and employees who have opted for revised scale of pay on a subsequent date after 01.01.2006 i.e., on date of Selection Grade/ Special Grade and in whose cases their Ordinary Grade scales of pay have been revised further based on the recommendations of One Man Commission/ further Government orders. As per clause (10) in the Government Order, only three per cent of the sum of the pay in the pay band would be paid for moving from one grade to another grade. Therefore, erroneously the pay scale has been fixed by the authorities concerned.

6. Heard both sides and perused the materials available on record.

7. As rightly pointed out by the learned counsel appearing for the first respondent herein, Annexure-I in G.O.Ms.No.234 (Finance (Pay Cell) Department, dated 01.06.2009 is not applicable to the writ petitioner, in view



8. Accordingly, this Writ Petition stands disposed of with the above observations that without effecting any recovery, the first respondent can be directed to disburse the pension as per Rules. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi



W.P.(MD).No.15732 of 2018

WEB COPY

To

1. The Principal Accountant General,
Office of Accountant General (A&E)
361, Annasalai,
Teynampet, Chennai – 600 018.
2. The District Collector,
Kanyakumari District,
At Nagercoil.
3. The Block Development Officer,
Thiruvattar Panchayat Union,
Kanyakumari District.



WEB COPY



W.P.(MD).No.15732 of 2018

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.15732 of 2018

25.10.2025