



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON :	07.11.2025
PRONOUNCED ON :	19.12.2025

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.28093 of 2025

and

WMP.(MD).No.21843 of 2025

and

WMP.(MD).No.24261 of 2025

Vincent Raja

..Petitioner

Vs

1.The Director General of Police,
Chennai.

2.The Commandant,
Tamil Nadu Special Police,
IX Battalion,
Manimutharu,
Ambasamudram Taluk,
Tirunelveli District.

..Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent by his proceedings in B.O.No. 493/2025 in C.No.B2/5294/2023 dated 16.09.2025 and quash the same.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.P.B.Ahamed Yashmin Parvin

Government Advocate

ORDER

The present writ petition has been filed, seeking a Writ of Certiorari, to quash the impugned order passed by the 2nd respondent by his proceedings in B.O.No.493/2025 in C.No.B2/5294/2023 dated 16.09.2025.

2. The learned counsel for the petitioner would submit that the petitioner was initially appointed as Junior Assistant at the Taluk Office on 10.07.2003 on consolidated pay to meet the emergency situation on account of the mass strike by the Revenue Officials in Tamil Nadu. A special examination had been conducted by the TNPSC, in which the petitioner had also participated in the written examination on 17.02.2008, and he was issued with an order of appointment on 22.12.2009 and orders of posting were issued by the second respondent on 20.01.2010. Thereafter, the petitioner was relieved from the



service of the Taluk Office on 27.01.2010 and on the same day, joined the services with the second respondent.

3. The petitioner was promoted on 19.06.2018 as Assistant and was transferred to the Tamil Nadu Special Police, I Battalion, Trichy, from where he was again transferred to the office of the second respondent by proceedings dated 08.08.2018. He would submit that the Government had passed a Government Order in G.O.Ms.No.340 dated 26.08.2010 for correcting the pay anomaly that was found between the persons, who had joined before 01.06.2009 and after 01.06.2009. Pursuant to the said Government Order, the second respondent had granted monetary benefits to the petitioner by proceedings dated 01.06.2024 along with arrears and thereafter the petitioner was receiving his salary as per the said proceedings. But, by the proceedings that is impugned herein, the benefits granted to the petitioner were sought to be cancelled, and while passing such order, the petitioner had not been given any prior notice and the same had been cancelled without assigning any reasons whatsoever. Hence, he seeks indulgence of this Court to set aside the impugned order.



4. Countering his arguments, the learned Government Advocate would submit that the petitioner is estopped from challenging the order of re-fixation, as the petitioner had given an undertaking that in future, if it is found that the petitioner had been wrongly benefited with monetary benefits under the order of re-fixation, he would remit back the arrears paid and also the allowances drawn by him, if the same is cancelled. She would vehemently contend that the petitioner, having been appointed through a special Test on 27.01.2010, would not be entitled to the relief granted under G.O.Ms.No.340 dated 26.08.2010. She would further submit that the clarification sought for by the first respondent is still awaited and even before such clarification, the benefits had been extended to the petitioner, and therefore the yearly increments was sought to be cancelled by the second respondent. She would submit that there is no necessity to provide an opportunity of hearing, as the cancellation is not by way of punishment, and therefore prayed for dismissal of the writ petition.

5. I have heard the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

6. It is an admitted fact that the petitioner, who had been benefited with the monetary benefits by re-fixation of his pay, had been visited with the order



of cancellation without any opportunity of hearing. When a benefit had been granted, such benefit cannot be withdrawn without following due process of law, much more so in violation of the principles of natural justice. Even in the counter, this Court does not find any explanation as to why the benefit is sought to be withdrawn or as to how the petitioner is not entitled to the benefit under the Government Order in G.O.Ms.No.340 dated 26.08.2010.

7. For the aforesaid reasons, the impugned order passed by the 2nd respondent in his proceedings in B.O.No.493/2025 in C.No.B2/5294/2023 dated 16.09.2025 is set aside and the writ petition stands allowed. However, the respondents are at liberty to re-visit the fixation of pay of the petitioner after issuing prior notice and by complying with the principles of natural justice.

9. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.12.2025

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 2.The District Educational Officer(Secondary)
Tirunelveli, Tirunelveli District.
- 3.The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli



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K.KUMARESH BABU, J.

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