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W.A.(MD)NO.51 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.51 of 2025

1. The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Fort St. George,
Chennai -9.
 2. The Additional Director of Agriculture,
O/o.the Director of Agriculture,
Chennai – 5.
 3. The Assistant Executive Engineer(Agrl.Engg.),
Lalgudi, Trichy. ... Appellants / Respondents
- Vs.
- M.Praveena ... Respondent / Writ petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 18.08.2022 made in W.P.(MD)No.11945 of 2014 and allow this writ appeal.

For Appellants : Mr.N.Ramesh Arumugam,
Government Advocate.

For Respondent : Mr.S.C.Herold Singh

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**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The Government has filed this writ appeal challenging the order dated 18.08.2022 made in W.P.(MD)No.11945 of 2014 filed by the respondent herein.

2. The respondents herein was selected as Typist in Group IV service examination held in the year 2012. She was allotted to Agriculture Department vide memorandum dated 06.12.2012. In the counseling held on 26.02.2013, she came to be posted at Lalgudi vide proceedings dated 09.04.2013 issued by the Executive Engineer(Agricultural Engineering Department), Thiruchirappalli. She was given higher start of pay in the scale of Rs.5,200-20,200/- with Grade Pay of Rs.2,400/-. She was at the very outset granted two incentive increments (Rs.230 + 230=Rs.460/-) for possessing the degree qualification. However, vide proceedings dated 29.05.2014, her pay was refixed by stopping the two advance increments paid to her. Recovery was also ordered on the same date. Challenging the same, Praveena filed W.P.(MD)No.11945 of 2014. The writ petition was allowed by the learned single Judge by setting aside the



refixation order dated 29.05.2014 as well as the recovery order dated 29.05.2014. Challenging the same, this writ appeal has been filed.

3. The learned counsel appearing for the State drew our attention to the fact that the impugned proceedings were passed only as a result of G.O.Ms.No.241 Finance (Pay Cell) Department dated 22.07.2013. He contended that when the said GO has not been challenged, the learned single Judge could not have interfered with the order impugned in the writ petition.

4. Per contra, the learned counsel for the writ petitioner submitted that the learned single Judge had adopted the right approach and that interference is not called for. He also relied on the Government letter No.2680/PC/2018-5 dated 19.09.2018 issued in the case of one Raghu and two others and called upon this Court to dismiss the writ appeal.

5. We carefully considered the rival contentions and went through the materials on record.

**6. Paragraph Nos.4 and 5 of G.O.Ms.No.241 Finance (Pay Cell)**

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Department dated 22.07.2013 read as follows:-

“4. The Government accordingly examined the above recommendations of the Pay Grievance Redressal Cell and decided to accept it. Accordingly, Government direct that the higher start of pay granted to the Junior Assistants / Typists for degree qualification shall be dispensed to the incumbents recruited in future with a view to avoid the pay anomaly between the Junior Assistants and the directly recruited Assistants and also considering the fact that the persons now recruited are Degree / Post Graduate / Professional Degree holders. Likewise, the higher start of pay granted to the Record Clerks shall also be dispensed with. However, considering the loss in emoluments between the Graduate Junior Assistants and the directly recruited Assistants, the Government recommends to compensate the difference of pay as “Personal Pay” to the directly recruited Assistants / Accountants in service and this concession shall not be applicable to future cases in view of the dispensation of higher start of pay to the Graduate Junior Assistants.



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5) The compensation of the difference in pay as “Personal Pay” to directly recruited Assistants / Accountants shall take notional effect from 01.01.2006 with monetary benefit from 01.04.2013. Further, the orders of dispensation of higher start of pay to the Junior Assistants / Typists and Record Clerks shall also take effect from the same date. However, in cases where higher start of pay has already been granted between 01.04.2013 and the date of issue of order, such cases need not be effected any recovery.”

7. A careful reading of paragraph No.4 of the aforesaid Government Order leads to the conclusion that it was meant to apply to those Junior Assistants / Typists to be recruited in future to avoid the pay anomaly. In the case on hand, the writ petitioner was selected in the year 2012 itself and therefore, the aforesaid G.O.Ms.No.241 dated 22.07.2013 may not really have any application. What clinches the issue in favour of the writ petitioner is the Government Letter No.2680/PC/2018-5, dated 19.09.2018 which has been enclosed in the typed set of papers. We propose to extract the contents of the entire letter. It reads as follows:-



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“I am to invite your attention to the references cited.

2. Thiru.B.Raghu and 2 others have filed writ petition No.30012 of 2013 in the Hon'ble High Court to grant higher start of pay for possessing degree qualification.

3. I am to state that in the Government Order first cited, orders were issued granting higher start of pay at two stages to the Graduate Junior Assistant / Typist / Record Clerk.

4. Subsequently in the Government Order second cited, the concession of sanction of higher start of pay to Graduate Junior Assistants / Typist / Record Clerk has been dispensed w.e.f. 01.04.2013.

5. In the letter fifth cited, the District Collector, Kancheepuram has reported that the petitioners along with 19 candidates were selected by TNPSC and allotted to the Kancheepuram District Revenue Unit vide TNPSC letter No.683/PSD/A4/2012 dated 07.02.2013 and allot after due verification of the relevant records on 11.03.2013, appointment orders were issued to the petitioners vide proceedings of the PA(G) to Collector, Kancheepuram dated 05.04.2013 and the petitioners joined duty on



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08.04.2013 and 10.04.2013 respectively.

6. I am to state that if the petitioners were given appointment letters soon after the receipt of allotment list from the TNPSC on 07.02.2013, they could have joined duty before 01.04.2013.

7. As the delay in forwarding the allotment is on the part of administration and as the petitioners are all graduates at the time of selection, they are entitled for the higher start of pay for possessing Degree qualification.

8. Hence, I am to request you to take necessary action to grant higher start of pay to the petitioners with effect from the date of joining duty verifying the educational qualification.

9. I am also to request you to instruct the Treasury Officer concerned to admit and honour the arrear claim of the above individuals. If otherwise found to be in order.

10. I am further to request you to pursue necessary action to apprise the same to the Government Pleader, High Court, Madras and to close the W.P.No.30012/2013 filed by Thiru.B.Raghu and 2 others and intimate the same to Government.”



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8. One Raghu and two others filed W.P.No.30012 of 2013 questioning the validity of G.O.Ms.No.241 dated 22.07.2013. During the pendency of the GO, the aforesaid letter came to be issued. The Government chose to exempt those persons though they were appointed after the cut-off date (ie.) on 01.04.2013. In that case, the three individuals were appointed on 05.04.2013, 08.04.2013 and 10.04.2013 respectively. The writ petitioner herein came to be appointed on 12.04.2013. The case of the writ petitioner is on par with that of the petitioners in W.P.No.30012 of 2013.

9. We are of the view that the Government need not apply a different yardstick in the case of the writ petitioner. In this view of the matter, we confirm the order of the learned single Judge. This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
25rd June 2025

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