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WP No. 7725 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 7725 of 2026

AND

WMP Nos. 8335, 8337 & 8341 of 2026

S.Balasundaram
S/o.R.Saravanan
Anusri Illam,
No.22, Durgai Ammankoil Street,
Senthagudi, Mayiladuthurai 609 001,
Mayiladuthurai District.

..Petitioner

Vs

1. State of Tamil Nadu
Rep by its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat
Chennai- 60 009.
2. The Director of Elementary Education
DPI Campus, College Road
Chennai – 600 006.
3. The District Educational Officer (Elementary)
Mayiladuthurai, Mayiladuthurai District.
4. The Block Educational Officer- I
Sembanarkoil Block
Mayiladuthurai District- 609 309.
5. The Secretary
Poomagal Aided Elementary School,
Kalahasthinathapuram,
Sembanarkoil Block
Tharangambadi Taluk
Mayiladuthurai District- 609 309.



6. The Principal Accountant General (A and E)
Tamil Nadu

O/o.The Principal Accountant General
AGs Office Complex, 361, Anna Salai,
Teynampet, Chennai – 600 018.

7. The Sub Treasury Officer
Tharangambadi,
Mayiladuthurai District.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus calling for the records relating to the impugned order issued by the 4th respondent in Na.Ka.No. 346/A1/ 2025 dated 08.12.2025 and to quash the same and consequently, direct the respondents to settle the pensionary benefits to the petitioner in the post of Primary School Headmaster as on the date of retirement on 31.05.2025 based on the last drawn salary in accordance with the Tamil Nadu Pension Rules along with interest for delay in settlement of retirement benefits at the rate of 12 percent per annum and to pass orders.

For Petitioner:

Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents:

Mrs.Mythreye Chandru
Special Government Pleader for R1 to R4, R7

Mr.P.Manorajan
Standing Counsel for R6



ORDER

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The above writ petition has been filed for the following relief :

“ To call for the records relating to the impugned order issued by the 4th respondent in Na.Ka.No. 346/A1/ 2025 dated 08.12.2025 and to quash the same and consequently, direct the respondents to settle the pensionary benefits to the petitioner in the post of Primary School Headmaster as on the date of retirement on 31.05.2025 based on the last drawn salary in accordance with the Tamil Nadu Pension Rules along with interest for delay in settlement of retirement benefits at the rate of 12 percent per annum.”

2. The petitioner was appointed as Secondary Grade Teacher in the 5th respondent School on 06.01.1998. On completion of his ten years of service, he was sanctioned with Selection Grade in the post of Secondary Grade Teacher, with effect from 11.05.1998. Thereafter, he was promoted as Primary School Headmaster on 01.06.2006 and the same was approved by the Government. On 07.02.2008, the petitioner was sanctioned with Selection Grade in the post of Primary School Headmaster in accordance with G.O.Ms.No.38 School Education Department, dated 05.03.2001. He continued to serve in the said post of Primary School Headmaster till his date of retirement on 31.05.2025.



3. The petitioner would submit that on the eve of his retirement, necessary pension proposal was forwarded by the 4th respondent to 6th respondent seeking sanction of retirement benefits. However, the 6th respondent vide his communication dated 16.05.2025, had returned the proposal stating that the petitioner's Grade Pay of Rs.5,400, requires clarification from the Government, in par with the Government Letter dated 15.12.2023, where the Grade Pay admissible to the Selection Grade Primary School Headmaster is Rs.4,700/-.

4. On 02.06.2025, the petitioner had submitted a detailed representation explaining that the Selection Grade with Grade Pay of Rs.5,400/- had been sanctioned to him strictly in accordance with G.O.Ms.No.23, Finance Department dated 12.01.2011 and the subsequent Government orders. Based on his representation, the 4th respondent had submitted a revised proposal to the 6th respondent vide his proceedings in Na.Ka.No.346/A1/2025 dated 05.06.2025 to sanction retirement benefits based on the last drawn pay in the post of Primary School Headmaster. However, the 6th respondent vide his communication dated 23.07.2025, had again returned the proposal parroting the same lines that a clarification



sought from the Government with regard to admissibility of Grade Pay, is pending and the admissible Grade Pay for the Selection Grade Primary School Headmaster is Rs.4,700/-. Subsequent to the above letter dated 23.07.2025, the 6th respondent had issued the Pension Payment Order dated 14.11.2025 with fixation of Gratuity calculating the Grade Pay at Rs.4,700/-.

5. While so, the 4th respondent had issued the impugned proceedings dated 08.12.2025 revising the scale of pay in the post of Primary School Headmaster with effect from 06.01.2008 fixing the Grade Pay at Rs.4,700/- instead of Rs.5,400/- and directed the petitioner to pay the excess salary paid to him, calculating to Rs.17,02,527/-. Aggrieved by the impugned order, the petitioner is before this Court.

6. The learned counsel appearing for the petitioner would submit that the impugned proceedings of the 4th respondent dated 08.12.2025, revising the petitioner's scale of pay from Grade Pay of Rs.5,400/- to Rs.4,700/- and ordering recovery of alleged excess salary, is arbitrary, illegal and unsustainable in law. He would also contend that the Pension Payment Order and the impugned order passed by the respondents on the purported



ground that a clarification is awaited from Government, cannot be a valid ground to reduce the legally sanctioned pay and pensionary benefits of the petitioner, as the earlier fixation and payment was made strictly in accordance with the Government orders, cannot be given a go-bye now.

7. Therefore, the learned counsel would submit that the present order directing re-fixation and consequential recovery is grossly erroneous and perverse. In support of his contentions, the learned counsel for the petitioner has relied on the judgment of this Court in a batch of writ petitions in W.P.No.12275 of 2024 and batch etc., dated 02.03.2026,

8. Heard the learned counsel on either side and also perused the materials placed before this Court.

9. A mere perusal of the order of this Court in W.P.No.12275 of 2024 dated 02.03.2026 *inter alia* deals with the re-fixation of pay in the Selection Grade scale that has been granted to teaching faculty members in the Education Department holding the post Primary School Headmaster, Middle School Headmasters etc., in addition, it also dealt with FR 22-B. These batch of cases centres around different types of teachers who were initially appointed at Secondary Grade Teachers and later promoted and retired as Primary School



Headmasters and Middle School Headmasters respectively. The writ petitioners therein, who are in teaching faculty, have been grouped into four categories as under, for the convenience of the Court and the writ petitions were disposed of by a common order, with a set of directions. The four categories are :

- i. Petitioners who are still in service;
- ii. Petitioners who have retired and from whom recoveries have already been effected;
- iii. Petitioners who have retired and from whom recoveries are yet to be made; and
- iv. Petitioners against whom only proposals for recovery has been issued and against which, further proceedings have been stayed.

10. Since the petitioner in the case on hand would fall under category (ii) above, this Court by relying upon the above judgement, has disposed of the present writ petition with the following directions :

- i. The impugned order directing the fixation of the Selection Grade / Special Grade scale of pay at the first promotional level and 2nd promotional level is set aside to the extent that there shall be no recovery of amount, which has already been paid, from the petitioner;
- ii. Since the petitioner had retired from service, no amount shall be recovered on the basis of the impugned order from the



benefits/pensionary benefits of the petitioner with regard to the amount already paid;

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iii. In case any amount has already been recovered from the petitioner towards excess payment made in the Selection Grade Scale, the same shall be refunded to the petitioner and the respondents shall refix the Selection Grade Scale of pay, after amendment to FR 22-B and, thereafter, upon computation, if any amount is due and payable to the petitioner.

iv. The Accountant General is directed to compute the pension in the scale of pay which the petitioner has drawn on the date of his retirement; if not computed in the said scale, pay the arrears of pension on the said higher scale to the petitioner; if not already paid

No costs. Consequently, connected miscellaneous petitions are closed.

03-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS



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Fort St.George, Secretariat
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