



WEB COPY

WP No. 36167 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 36167 of 2015

and

MP.Nos.1 & 2 of 2015

A. Jayasingh,
S/o. J. Arugraham,
No.4/3, Church Street, Porayar,
Nagapattinam district - 609 307

..Petitioner

Vs

1. Government of Tamil Nadu
Rep. by the Secretary, Finance Department,
Fort St. George, Chennai – 9.
2. Principal Accountant General,
Office of the Principal Accountant General
(Accounts & Entitlements) Tamil Nadu 381,
Anna Salai, Chennai - 600 010.
3. Joint Director of Collegiate
Education, Tanjore Region, Tanjore.
4. TBML College,
Rep. by its Secretary, Porayar - 609 307,
Nagapattinam district

..Respondents

PRAYER: This Writ petition filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings P23/12314660/1/PPO No. R2314660 dated.03.07.2015 issued by the 2nd respondent, and to quash the remarks in admissibility report and consequently direct the respondents to sanction pension, gratuity and other terminal benefits as per the proceedings of the 3rd respondent dated.08.04.2015.



For Petitioner:

Ms.Vaisali, for
Mr.R.Subramanian,

For Respondent(s):

Mr.Azizulla Khan, Government Advocate for R1,
Mr.P.Manorajan, Standing Counsel for Accountant
General for R2,
Mr.Vadivelu Deenadayalan, Additional
Government Pleader for R3,
R4 (Colledge) - No Appearance

ORDER

The present Writ Petition has been filed challenging the order passed by the 2nd respondent, whereby the petitioner's pension was reduced by downgrading her pay.

2.The petitioner joined the service of the 3rd respondent College on 01.07.1987 and was promoted as Lab Assistant on 01.04.1993. He was granted Selection Grade on 01.04.2003 and Special Grade on 01.04.2013. Thereafter, he retired from service on 30.06.2013.

3.The petitioner's basic pay was fixed at Rs.14,350/- with Grade Pay of Rs.4,200/- in the pay scale of Rs.9,300–34,800 + GP Rs.4,200/-. According to the petitioner, his pensionary benefits were subsequently downgraded without issuing any notice or affording him an opportunity of being heard.



4. The impugned order dated 03.07.2015 reads as follows:

“REMARK IN ADMISSIBILITY REPORT – 30.07.2015

PRO. NO. R2314660

LAB ASSISTANT ARE NOT ENTITLED FOR ADDL FITMENT TABLE ON 01/01/2015 AS PER ONE MAN COMMISSION. EXCESS PAID PAY AND ALLOWANCE MAY BE RECOVERED.”

5. The impugned order does not disclose any proper reasons for the reduction of pensionary benefits. The petitioner had been receiving pension based on his last drawn pay and the same has been altered without notice. Such action, taken behind the back of the petitioner, cannot be sustained in law.

6. The learned counsel appearing for the 2nd respondent submitted that the petitioner is not entitled to the revised pension, as he was not eligible under the fitment table prescribed by the One Man Commission.

7. The 3rd respondent submitted that a proposal had been sent to the 2nd respondent stating that the petitioner was not entitled to such pensionary benefits. However, it is not in dispute that the petitioner's emoluments were calculated as Basic Pay of Rs.14,350/- + Grade Pay of Rs.4,200/-, totaling Rs.18,550/-, and pension was sanctioned accordingly. When such benefits have already been granted, any subsequent downgrading of pension must be preceded by due notice and an opportunity of hearing. In the absence of such procedural safeguards, the impugned order is liable to be set aside.



8. Accordingly, the impugned order is quashed, and the Writ Petition is **allowed**. The respondents are directed to restore the petitioner's pension based on the last drawn pay and to pay the arrears with interest at the rate of 8% per annum from the date of reduction till the date of payment. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. Failing which, the petitioner is at liberty to initiate appropriate proceedings in accordance with law.

16-04-2026

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

JRS



To

1. The Secretary,
Government of Tamil Nadu
Finance Department, Fort St. George,
Chennai – 9.
2. The Principal Accountant General,
Office of the Principal Accountant General
(Accounts & Entitlements) Tamil Nadu 381,
Anna Salai, Chennai - 600 010
3. The Joint Director of Collegiate
Education, Tanjore Region, Tanjore
4. The Secretary ,
TBML College,
Porayar - 609 307,
Nagapattinam district.
5. The Public Prosecutor,
High Court of Madras.



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