



WEB COPY

WP No. 34159 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 34159 of 2016

M.Rajendran

..Petitioner(s)

Vs

The Government of Tamilnadu,
Reptd. by the Principal Secretary to Government,
Finance (Pay Cell) Department, Fort St. George,
Chennai-600 009.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Letter No. 25979/ Pay Cell/ 2015-1 dated 5.6.2015 and quash the same and direct the respondent to extend the benefits of G.O. Ms. No.237, Finance (Pay Cell) Department dated 22.7.2013 to the petitioner for completion of 30 years of service by granting 2 additional increments, that is, 3% + 3% of basic pay (Pay Plus Grade Pay).

For Petitioner(s):

Mr.P.Mohanraj

For Respondent(s):

Mr.S.Yeshwanth,
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order passed by the respondent in Letter No. 25979/ Pay Cell/ 2015-1 dated 5.6.2015 and consequently, to direct the respondent to extend the benefits of G.O. Ms.



No.237, Finance (Pay Cell) Department dated 22.7.2013 to the petitioner for completion of 30 years of service by granting 2 additional increments, that is, 3% + 3% of basic pay (Pay Plus Grade Pay).

2. The learned counsel for the petitioner submitted that the petitioner was appointed as a Village Administrative Officer on 11.08.1982. Subsequently, he was conferred Selection Grade on 11.08.1992 and Special Grade on 11.08.2002. The petitioner completed 30 years of continuous service on 11.08.2012 and retired from service on 30.04.2014. As per G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009, employees are entitled to movement to Selection Grade and Special Grade upon completion of 10 years of service in each stage, with corresponding pay fixation benefits. Further, pursuant to representations made by various service associations, the Government issued G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013, granting an additional increment benefits of 3% + 3% (totalling 6%) of basic pay (Pay + Grade Pay) to employees upon award of Selection Grade and Special Grade in the revised pay scales, with notional effect from 01.01.2006 and monetary benefit from 01.04.2013. He further contended that while employees completing 10 and 20 years of service are granted two additional increments (6%), employees completing 30 years of service, like the petitioner, are granted only one increment (3%), resulting in hostile discrimination and violation of Article 14 of the Constitution of India. He



further submitted that the petitioner, upon completion of 30 years of service, was granted only one increment (3%) on 11.08.2012. Aggrieved by such discriminatory treatment, the petitioner submitted a representation dated 10.08.2013 seeking extension of the benefit of two additional increments (3% +3%) on par with similarly placed employees. However, the same was rejected by the respondent vide proceedings dated 05.06.2015 without assigning proper reasons. He also submitted that the impugned order is arbitrary, unjust and violative of the principles of equality, as it discriminates against employees who have rendered longer years of service. Therefore, the petitioner seeks to quash the impugned order dated 05.06.2015 and to direct the respondents to grant two additional increments (3%+3%) of basic pay (Pay + Grade Pay) upon completion of 30 years of service, with all consequential benefits.

3. The learned Additional Government Pleader appearing for the respondents submitted that it is not in dispute that the petitioner has completed 30 years of service. However, it is contended that G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 is applicable only to employees who were awarded Selection Grade/Special Grade in the revised pay scales in lieu of the earlier scheme of separate scales. It is further contended that the fixation of a cut-off date is within the domain of the executive authority and cannot ordinarily be interfered with by this Court unless the same is manifestly arbitrary or discriminatory. Reliance was placed on the judgment of the Hon'ble



Supreme Court in *State of Punjab Vs. Amarnath Goyal and others* [(2005) 6 SCC 754] wherein it was held that the fixation of a cut-off date by the

Government does not *per se* amount to discrimination. He therefore contended that the petitioner is not entitled to claim parity with employees who fall within the ambit of the Government Orders and prayed for dismissal of the writ petition. The relevant portion of the Government Order in G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013, is extracted hereunder:

“After careful examination, the Government has decided to implement the above recommendation of the Pay Grievance Redressal Cell. Accordingly, Government direct that an additional increment benefit (over and above the existing one increment benefit) equivalent to 3% + 3% of basic pay (Pay + Grade Pay) shall be granted to the employees on award of Selection Grade / Special Grade in the revised scales of pay implemented w.e.f. 01-01-2006.”

4. Heard the learned counsel on either side and perused the materials available on record.

5. On perusal of the records, this Court finds that the Government Order in G.O.Ms.No.237 clearly provides for grant of additional increments equivalent to 3% + 3% of basic pay. The intention of the Government Order is to extend monetary benefits to employees upon award of Selection Grade and



Special Grade. The stand taken by the respondent in the counter affidavit is against the spirit and object of the Government Order. The denial of similar benefits to employees who have completed 30 years of service, while granting such benefits to those completing lesser years of service, amounts to arbitrary and discriminatory treatment. The action of the respondent is therefore violative of Article 14 of the Constitution of India. Accordingly, this Court holds that the petitioner is entitled to the benefit claimed.

6. In the result, this Writ Petition stands allowed. The impugned order dated 05.06.2015 is hereby set aside. The respondent is directed to grant the petitioner two additional increments (3% + 3%) of basic pay (Pay + Grade Pay) upon completion of 30 years of service along with all consequential monetary and service benefits. The respondent shall compute and disburse the arrears within a period of three (3) months from the date of receipt of a copy of this order. No costs.

17-04-2026

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

VKR



WEB COPY

To

The Principal Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai-600 009.

WP No. 34159 of 2



N.SENTHILKUMAR, J.

VKR

WP No. 34159 of 2016

17-04-2026