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W.P.No.29984 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.29984 of 2014

and M.P.Nos.1, 2 & 3 of 2014

P.Killivalavan
Assistant
Queen Mary's College
Mylapore, Chennai 600 004.

...Petitioner

Vs.

1.Principal Accountant General
Office of the Principal Accountant General
(Accounts & Entitlements) Tamil Nadu
381, Anna Salai
Chennai 600 010.

2.Director of Collegiate Education
Thirunelveli
Thirunelveli 627 003.

3.Queen Mary's College
Rep.by its Principal
Mylapore, Chennai 600 004.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings No.Pen 11/IV/13-14/11113467/ADK/144 dated 26.05.2014



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issued by the 1st respondent and consequential Proceeding No. P11/21113467/3/PPO No.R1113467/EDG dated 12.09.2014 issued by the 1st Respondent, quash the same and direct the 1st respondent to pay the pension by taking the pension emoluments at Rs.18,650/- i.e. basic pay of 14,250 + grade pay of Rs.4,400 and other terminal benefits as recommended by the 3rd respondent.

For Petitioner : Mr.R.Subramanian

For Respondents : M/s.Hema Muralikrishnan
Standing Counsel for R1

Mr.Vadivelu Deenadayalan for R2 & R3
Additional Government Pleader

ORDER

The petitioner has sought for the following relief:-

“To call for the records pertaining to the proceedings No.Pen 11/IV/13-14/11113467/ADK/144 dated 26.05.2014 issued by the 1st respondent and consequential Proceeding No. P11/21113467/ 3/PPO No.R1113467/EDG dated 12.09.2014 issued by the 1st Respondent, quash the same and direct the 1st respondent to pay the pension by taking the pension emoluments at Rs.18,650/- i.e. basic pay of 14,250 + grade pay of Rs.4,400 and other terminal benefits as recommended by the 3rd respondent.”



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2. By the impugned proceedings, the first respondent has taken the Grade Pay of the petitioner as Rs.2800/- for the purpose of computing pension and pensionary benefits.

3. The petitioner was initially appointed as Lab Assistant and the petitioner was awarded Selection Grade and Special Grade in the post of Lab Assistant on 19.07.1993 and 21.07.2023 on the date of his promotion to the post of Lab Assistant. The petitioner was subsequently promoted to the post of Junior Assistant on 01.03.2004. Since pay scale assigned to the post of the Junior Assistant was lesser than the Special Grade Pay which was granted to the petitioner the petitioner opted for scale of pay in the post of Lab Assistant. Subsequently, the petitioner was promoted to the post of Assistant on 08.10.2007 and the same pay scale was continued with increment. The petitioner retired from service on 29.05.2013. The Principal of the College in which the petitioner was working sent the proposal dated 16.07.2014. Subsequently, the proposal was sent to the first respondent to compute the pension and pensionary benefits payable to the petitioner. In turn, the first respondent sent a letter seeking clarification to review the pension proposal.



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4. In turn, the Principal of the College in which the petitioner was working sent a communication dated 16.07.2014 stating that the petitioner was promoted to the post of Junior Assistant (higher post) and he has opted to draw pay in the lower post scale of pay (i.e.) Lab Assistant post scale of pay as the lower post scale of pay is higher than the promoted post scale of pay. Hence, the sanction of the grade pay of Rs.4400/-to the petitioner is correct. However, the clarification issued by the College was not considered and instead the grade pay of petitioner was fixed as Rs.2800/-.

5. Mr.R.Subramanian, learned counsel for the petitioner submitted that the petitioner opted for the scale of pay in the lower post as per G.O.Ms.No.590, Finance (Pay Cell) Department dated 01.08.1992 and the option exercised by the petitioner having been accepted by the State, the first respondent has committed an error in fixing the grade pay of the petitioner at Rs.2800/- instead of Rs.4400/-. She further submitted that a clarification has been issued by the second respondent dated 08.07.2011 wherein it is stated that the person who got Selection Grade/Special Grade prior to 01.01.2006 and thereafter on 01.01.2006 to 31.05.2009 when they have expressed option they were entitled to the pay scale of Rs.9300-34800+4400 Grade Pay. Therefore, contrary to the



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Government order and the clarification letter the first respondent has taken the Grade Pay of the petitioner as Rs.2800 instead of Rs.4400/-.

6. In response, Ms.Hema Muralikrishnan, learned Standing Counsel for the first respondent and Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for the respondents 2 & 3 submitted that the pay scale to the post of Junior Assistant had been revised and the petitioner having exercised the option to extend the revised pay scale attached to the post of Junior Assistant are not entitled for higher Grade Pay applicable to the Selection Grade/Special Grade of this substantial post. The first respondent taking into account circular dated 04.10.2013 has rightly fixed the Grade Pay of the petitioner as Rs.2800/- and the same cannot be found fault.

7. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

8. The facts as narrated above are not in dispute and therefore, are not reiterated. The clarification letter dated 04.10.2013 relied upon by the learned State Counsel for the respondent No.2 reads thus:



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

2. In the reference fourth cited, it has already been clarified that the benefit of higher grade pay applicable to lower post (Selection Grade/Special Grade) on subsequent promotion to a higher post with lower grade pay with reference to Point No.13 of Government letter first cited is admissible only in case of promotions after 01.01.2006. However, I am to clarify further that orders were issued revising the Ordinary Grade scale of pay of certain categories of employees /teachers based on the recommendations of One Man Commission, 2010/subsequent government order notionally with effect from 01.01.2006/12.12.2007 with monetary benefit from 01.08.2010/01.01.2011.the employees/teachers who have been promoted to higher post prior to 01.01.2006 and continued to retain the higher scale of pay of the substantive post by applying G.O.Ms.No.590, Finance (Pay Cell) Department, dated 01.08.1992 have already availed the fitment benefit of fixation of pay by applying 1.86 factor in the revised scale of pay with effect from 01.01.2006 by taking into account the substantive pay in the pre-revised scale of pay as on 31.12.2005. Therefore, they are not entitled for higher Grade Pay applicable to the Selection Grade/Special Grade of the substantive post i.e., lower post consequent on the subsequent revision of pay made to such categories.”

9. This clarification is applicable only to those who have exercised option for extending revised scale of pay to the substantial post. However in the instance, the petitioner had not exercised option to extend the revised pay scale



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attached to the post of Junior Assistant by retaining the pay scale attached to the post of Lab Assistant vide G.O.Ms.No.590 dated 01.08.1992.

10. The third respondent has also issued a communication dated 16.07.2014 to the first respondent to the effect that though the petitioner was promoted to the post of Junior Assistant post he has opted to draw pay in the lower post scale of pay and therefore, sanction of grade pay of Rs.4400/- to the petitioner is correct.

11. The first respondent contrary to the clarification issued by the third respondent had relied upon the clarification letter dated 04.10.2013 issued by the Finance Department stating that it should not be applicable to the petitioner since the petitioner had not opted for the revised pay scale attached to the post of higher post. Therefore, the impugned proceedings issued by the first respondent fixing the Grade Pay of the petitioner at Rs.2800/-is not legally sustainable.

12. Accordingly, this Writ Petition is allowed. The impugned orders of the first respondent bearing proceedings No.Pen 11/IV/13-14/11113467/ADK/144 dated 26.05.2014 issued by the 1st respondent



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and consequential Proceeding No. P11/21113467/ 3/PPO No.R1113467/EDG

dated 12.09.2014 are hereby set aside. The respondent No.1 is hereby directed to fix the Grade Pay of the petitioner at Rs.4400/- and compute and revise the pension and pensionary benefits and disburse the arrears of pension to the petitioner, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

12.02.2026
(1/3)

Index : Yes/No
Speaking order : Yes/No
dna

To

1.The Principal Accountant General
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(Accounts & Entitlements) Tamil Nadu
381, Anna Salai
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2.The Director of Collegiate Education
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Thirunelveli 627 003.

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HEMANT CHANDANGOUDAR.J.,

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