



WEB COPY

W.A.No.2788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 2788 of 2022
and
C.M.P.No.22641 of 2022

1.The Director of Agriculture,
Chepuak, Chennai – 600 005.

2.The Joint Director of Agriculture,
Perunthitta Valagam, Villupuram,
Villupuram District.

...Appellants

Vs.

T.Azhaguvelu

...Respondent

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 26.07.2021 made in W.P.No.16167 of 2016 and allow this Writ Appeal.

For Appellants : Mr.Haja Nazirudeen,
Addl. Advocate General
Assisted by Mr.M.Rajendiran,
Addl. Govt. Pleader.

For Respondent : Mr.K.Rajkumar



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J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

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Under assail is the Writ order dated 26.07.2021 passed in W.P.No.16167 of 2016.

2. The Director of Agriculture along with the Joint Director of Agriculture preferred the present intra-Court appeal mainly on the ground that the respondent, retired Assistant Agricultural Officer was not eligible for Special Grade on completion of his 20 years of service, in view of the pendency of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules [hereinafter referred to as “the Rules”] and the punishment subsequently imposed vide proceedings dated 27.12.2006.

3. The learned Additional Advocate General appearing on behalf of the appellants would mainly contend that the respondent completed 20 years of service in the year 2002. A charge memo was framed even prior to his completion of 20 years of service in the year 1996. Enquiry was conducted under Rule 17(b) of the Rules and the disciplinary proceedings ended with an order of punishment on 27.12.2006 imposing a punishment of stoppage of increment for three years with cumulative effect. Therefore, the respondent is not eligible for Special Grade.



4. Pertinently he sent a representation to the appellants on 19.03.2013 after reaching the age of superannuation on 31.01.2010. The said representation was rejected by the Director of Agriculture vide letter dated 09.09.2015, which came to be challenged by way of Writ proceedings.

5. In the rejection order, the 1st appellant has clearly stated that as per the Government Orders, the Special Grade cannot be sanctioned when disciplinary actions under Rule 17(b) of the Rules is pending. In the present case, the disciplinary proceedings ended with an order of punishment and thus the writ Court has committed an error in allowing the Writ Petition. The Writ Petition is liable to be rejected on the ground of laches, since it was filed after a lapse of six years from the date of retirement. The representation resulted in passing of the impugned order itself was filed before the Authorities in the year 2015 after a lapse of 3 years from the date of retirement.

6. The learned counsel for the respondent would oppose by stating that the writ Court has considered the fact that charge memo was issued in the year 1996 in respect of the incident that occurred in the year 1988-1989. There was a delay in disposal of the disciplinary proceedings and punishment was imposed in the year 2006. The delay in completing the departmental disciplinary proceeding was considered by the writ Court. On this ground, the



Writ Petition came to be allowed. It is contended that the punishment of stoppage of increment for three years with cumulative effect expired in the year 2009 and the respondent was allowed to retire from service on 31.01.2010. Thus in any angle Special Grade ought to have been granted to the 1st respondent in the year 2009. The learned counsel for the respondent would rely on certain clarificatory letters issued by the Government to show that the delay is to be taken into consideration while awarding Special Grade.

7. This Court has considered the rival submissions made between the parties to the lis on hand.

8. The claim set out in the Writ Petition is for grant of Special Grade pay. The Selection Grade and Special Grade are granted to the employees who have stagnated in a particular cadre. The scheme is a beneficial scheme to encourage the employees who all are stagnated without any promotional opportunities. However, the Selection Grade and Special Grade pay are fixed to the employee on completion of 10 years and 20 years of service respectively, in the scale of pay applicable to next level promotional post. The policy of the Government would show that even for grant of Selection Grade and Special Grade, the conditions stipulated for promotion is to be followed, since the scale of pay applicable to the next level promotional post is granted to an employee on his completion of 10 years and 20 years of service



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respectively.

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9. The policy for grant of Selection Grade and Special Grade are reiterated by the Pay Commissions and in G.O.Ms.No.68, Personnel Administrative Reforms Department dated 23.01.1986, the Government accepting the recommendations of the IV Pay Commission passed orders as follows:-

(ii) All other normal criteria for promotion to a higher post, viz., seniority, good or satisfactory record of service, the nature of punishments imposed on the employee and the lapses for which the punishments were imposed, the pendency of charges or disciplinary proceedings or enquiry, by Director of Vigilance and Anti-corruption, qualifications/ tests prescribed under the Special/ Adhoc Rules for the higher post, etc., should be followed while moving the employees to the Selection/ Special Grade.

10. Therefore, an employee, who is not facing any departmental disciplinary proceedings alone are eligible to move to Selection Grade or Special Grade pay. Pendency of disciplinary proceedings is a bar not only for promotion, but, also for grant of Selection Grade and Special Grade.

11. The respondent would raise a ground that there was a delay in



initiation of departmental disciplinary proceedings, since the incident occurred in the year 1988–1989, charge memo was framed in the year 1996 and the punishment was imposed in the year 2006. Even factual analysis would show that prior to completion of 20 years of service in the year 2002 by the respondent, charge memo came to be issued in the year 1996. The respondent was due for Special Grade only in the year 2002. Therefore, the delay, if at all in instituting the disciplinary proceedings would not have any implication in respect of grant of Special Grade in the year 2002. Thus, the said ground raised on behalf of the respondent pales into insignificance in the context of the facts.

12. Beyond the above facts, the respondent was allowed to retire from service on 31.01.2010 and he sent a representation to the Director of Agriculture in the year 2013, after a lapse of three years from the date of his retirement. The said representation was rejected by the Director of Agriculture vide letter dated 09.09.2015. Therefore, there was a delay even on the part of the petitioner in approaching the Authorities and the representation itself came to be sent after a lapse of three years from the date of his retirement.

13. In any angle during the relevant point of time, when the respondent completed 20 years of service he was facing departmental disciplinary



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proceedings. The said departmental disciplinary proceedings ended with the order of punishment of stoppage of increment for 3 years with cumulative effect.

14. Under these circumstances, grant of Special pay is running counter to the Government Policy. Thus, the order impugned passed by the writ Court cannot be sustained. Accordingly, the writ order is set aside and the Writ Appeal stands **allowed**. No costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (C.K., J.)
08.01.2026

dsa
Index :Yes
Neutral Citation :Yes
Speaking order



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To

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