



W.P.(MD)No.4990 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.4990 of 2023
and
W.M.P(MD)Nos.4654 & 4655 of 2023

S.Ramu

... Petitioner

Vs.

1.The Government of Tamilnadu,
Additional Chief Secretary to Government,
Agricultural Department,
Chennai.

2.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

3.The Comptroller,
Office of the Comptroller,
Tamil Nadu Agricultural University,
Coimbatore.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned G.O.Ms.No.401, dated 12.11.2020 issued by the first respondent and consequential proceedings of the third respondent in No.P(2)/10723/PC.No.2546/2023 dated 06.02.2023 and quash the same as devoid of merits in respect of existing grade pay was revised and reduced for Rs.6,600/- to Rs.5,400/- and proposed recovery of alleged excess payment from the petitioner pension, within the period as stipulated by this Court.

For Petitioner	:	Mr.A.Haja Mohideen
For R1	:	Mr.B.Ramanathan Additional Government Pleader
For R2 & R3	:	Mr.A.Thirumurugan Standing Counsel

ORDER

This writ petition has been filed challenging the orders issued in G.O.Ms.No.401, Finance (Pay Cell) Department dated 12.11.2020 and the consequential proceedings No.P(2)/10723/PC.No.2546/2023 dated 06.02.2023 issued by the third respondent.



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WEB COPY 2. The brief facts that are relevant for disposal of the writ petition are as under:

(i) The petitioner herein worked as a Senior Agricultural Officer, equivalent to the post of Assistant Director of Agriculture, with a pay scale of Rs.15,600 – 39,100 + Grade Pay of Rs.5,400/- and retired from service on attaining the age of superannuation on 31.05.2020. Accordingly, his pension was fixed taking into consideration the last pay drawn by him with Grade Pay of Rs.5,400/-. Thereafter, orders were issued in G.O.Ms.No.448, Finance (PC) Department, dated 31.12.2020, fixing the Grade Pay at Rs.6,600/- for the post of Senior Agricultural Officer. Accordingly, the pension of the petitioner was revised by taking into consideration the Grade Pay of Rs.6,600/- as against the earlier Grade Pay of Rs.5400/-. However, within three months, by G.O.Ms.No. 71, dated 26.02.2011, the orders issued in G.O.Ms.No.448, dated 31.12.2010 were withdrawn. Accordingly, the pay of the petitioner was revised and his pension was also revised. The validity of G.O.Ms.No.71, dated 26.02.2011 became the subject matter of litigation before this Court and the operation of the said Government Order was stayed by this Court by an order dated 28.03.2011.



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(ii) In view of the same, the petitioner was allowed to draw pension with Grade Pay of Rs.6,600/-. However, the litigation challenging G.O.Ms.No.71, dated 26.02.2011 ultimately came to an end by virtue of the orders passed by the learned Division Bench of this Court and the Hon'ble Apex Court, appointing Justice D.Murugesan, former Chief Justice of the High Court of Delhi, as the One Man Commission and Chairman of the Pay Grievance Redressal Committee, and the dispute was referred to the said Committee.

(iii) The said Committee examined the matter and finally resulted in the issuance of G.O.Ms.No.401, Finance (Pay Cell) Department, dated 12.11.2020, fixing the Grade Pay at Rs.5,400/- for the post of Senior Agriculture Officer, which is applicable to the petitioner. While fixing the same, the Government Order also provided that the excess amounts already paid till October 2020 shall not be recovered. However, the excess amount paid from November 2020 onwards was directed to be recovered.



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WEB COPY(iv) Accordingly, the third respondent issued the consequential proceedings dated 06.02.2023 for recovery of the excess amount paid from October 2020 till 06.02.2023. Aggrieved by the said Government Order in G.O.Ms.No.401, dated 12.11.2020 and the consequential proceedings dated 06.02.2023, the petitioner has approached this Court.

3. A perusal of the affidavit filed in support of the petition, running into 13 pages, does not disclose a single ground on which G.O.Ms.No.401 is sought to be challenged, except stating that the Grade Pay of Rs.6,600/- has been reduced to Rs.5,400/- after more than 10 years from the date of superannuation of the petitioner.

4. The counter affidavit filed by the third respondent states that the petitioner had given an undertaking to repay any amount drawn if it was found to be erroneous or in excess of his entitlement. A copy of the undertaking has also been placed before this court.



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5. The learned counsel appearing for the respondents submitted that the pension fixed at the time of superannuation of the petitioner taking into account Grade Pay of Rs.5400/- has never been reduced. It was only by virtue of G.O.Ms.448, dated 31.12.2010 that the Grade Pay was enhanced to Rs.6,600/-, which was subsequently withdrawn by G.O.Ms.No.71, dated 26.02.2011 and finally confirmed through the impugned G.O.Ms.No.401, dated 12.11.2020 issued based on the recommendations of the Pay Grievance Redressal Committee after considering all aspects. It is also submitted that the Government Order itself prevents recovery of any amount paid up to October 2020, and the recovery is permitted only from the date of issuance of the Government Order.

6.This Court considered the submissions made on either side and also perused the entire material.

7. The learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in the case of *State of Punjab and others vs. Rafiq Masih (White Washer) and others, reported in (2015) 4 SCC 334* to contend that



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recovery from a pensioner is not permissible under law in the light of the guidelines laid down by the Hon'ble Apex Court. However, except contending that the Grade Pay payable to the petitioner has been reduced from Rs.6600/- to Rs.5,400/-, no other governing rule or reasonable ground has been raised in the writ petition. As already noted, on the date of superannuation, the petitioner was entitled only to Grade Pay of Rs.5,400/-, which was subsequently enhanced through G.O.Ms.No.448, dated 31.12.2010 and later cancelled through G.O.Ms.No.71, dated 26.02.2011. The issue became the subject matter of litigation before this Court and ultimately resulted in the matter being referred to the Pay Grievance Redressal Committee headed by Justice D.Murugesan, former Chief Justice of the High Court of Delhi, leading to the issuance of G.O.Ms.No. 401, dated 12.11.2020.

8. In the absence of any valid ground challenging the order issued in G.O.Ms.No.401 fixing the Grade Pay at Rs.5400/- for the post of Senior Agriculture Officer which is equivalent to Assistant Director of Agriculture, this Court does not find any reason to interfere with the said Government Order,



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particularly considering the manner in which the issue has been examined by the Pay Grievance Redressal Committee, as evident from the Government Order.

9. Then coming into the recovery aspect is concerned, the recovery in question is pursuant to G.O.Ms.No.401. Though the Government Order was issued on 12.11.2020, the consequential proceedings were issued only on 06.02.2023, after a lapse of more than two years. The reliance placed by the counsel for the petitioner in the case of *State of Punjab and others vs. Rafiq Masih (White Washer) and others*, reported in (2015) 4 SCC 334 has no application to the present case. On the other hand, the case is governed by the principles laid down by the Hon'ble Apex Court in the case of *Chandi Prasad Uniyal and others vs. State of Uttarakhand and others* reported in (2012) 8 SCC 417, and High Court of *Punjab and Haryana and others vs. Jagdev Singh* reported in (2016) 14 SCC 267.

10. In the present case, the petitioner has admittedly given an undertaking to repay any excess amount paid if it was found to be incorrect. Since



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G.O.Ms.No.71, dated 26.02.2011 has been upheld and the impugned G.O.Ms.No.401 has confirmed the Grade Pay at Rs.5,400/-, the petitioner is bound by his own undertaking. In the light of the above, this Court doesn't find any reason to interfere with the order of the respondents.

11. With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Neutral Citation: Yes / No
Index : Yes / No
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To

The Government of Tamilnadu,
Additional Chief Secretary to Government,
Agricultural Department,
Chennai.



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MUMMINENI SUDHEER KUMAR, J.

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