



WP(MD). No.10785 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/04/2026

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

**WP(MD). No.10785 of 2026**  
**and WMP(MD)Nos.8441, 8442, 8443 of 2026**

M.Lalbagadur Kennedy

... Petitioner

Vs

1. The State of Tamil Nadu,  
Rep by its Secretary to Government,  
School Education Department,  
Fort St.George,  
Chennai - 600 009.

2. The Director of Elementary Education,  
O/o.The Director of Elementary Education,  
College Road,Chennai - 06..

3. The District Education Officer (Elementary),  
O/o.The District Education Officer,  
Kovilpatti - 628501,  
Thoothukudi District..

4. The Block Education Officer- I,  
O/o.The Block Education Officer,  
Kovilpatti,  
Thoothukudi District.

5. The Correspondent,  
Tami Baptist Schools,  
No.622c, 17/5, Ganesh Nagar,  
Ettaiyapuram Road,  
Kovilpatti - 628501..

6. The Principal Accountant General,



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O/o. the Accountant General (A and E),  
No.361, Anna Salai, Teynampet,  
Chennai - 600 018.

... Respondents

**PRAYER:-** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in NO. E23/3/12335821/ADK/312 dated 13.03.2026 on the file of the Respondent No. 6 and quash the same as illegal and consequently for a direction, directing the Respondent No.4 to 6 to disburse the pension, death cum retirement gratuity, encashment of earned leave, unearned leave and all other eligible terminal benefits to the Petitioner within the time period stipulated by this Court.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.S.Rajasekar<br>M/s.Roy and Roy Associates         |
| For R1 to R4   | : Mr.N.Satheesh Kumar<br>Additional Government Pleader |

### **ORDER**

This writ petitions has been filed against the order passed by the respondent authorities re-fixing the pay of the petitioner and ordering for recovery of certain amounts pursuant to re-fixation of pay in terms of G.O.(Ms.)No.234, Finance(Pay and Cell) Department dated 01.06.2009 and G.O.(Ms.)No.23, Finance(Pay and Cell) Department dated 12.01.2011.

**2.** Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 to 4 fairly submitted that an identical issue has fallen for consideration before a co-ordinate bench



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of the Principal Seat of this Court in W.P.No.12275 of 2024 and batch and the said batch of writ petitions have been disposed of issuing various directions at paragraph 85 of the said order, and as such this writ petition can also be disposed of on the same lines.

**4.** In response to the same, the learned counsel appearing for the petitioner has also agreed for the same.

**5.** In the light of the above, this Court, after perusing the order dated 02.03.2026, is of the considered view that this writ petition also can be disposed of in the light of various directions issued in W.P.No. 12275 of 2024 and batch dated 02.03.2026. The said directions issued at paragraph No. 85 of the said order reads as under:

*"i) The impugned order directing the fixation of the selection grade/special grade scale of pay at the first promotional level and 2nd promotional level is set aside to the extent that there shall be no recovery of amount, which has already been paid, from the petitioners;*

*ii) Insofar as the petitioners, who have retired from service is concerned, no amount shall be recovered on the basis of the impugned order from the retiral benefits/pensionary benefits of the petitioners with regard to the amount already paid;*

*iii) Insofar as the petitioners, who are still in service, no*



*amount shall be recovered on the basis of the impugned order from the salary of the petitioners with regard to the amount already paid;*

*iv) In case any amount has already been recovered from any of the petitioners towards excess payment made in the selection grade scale, the same shall not be refunded to the petitioners and the respondents shall refix the selection grade scale of pay of the said petitioners after amendment to FR 22-B and, thereafter, upon computation, if any amount is due and payable to any of petitioners, the same shall be paid by the respondents forthwith;*

*v) Until FR 22-B is amended so as to include the directions given in G.O. Ms. No.63305/Pay Cell/2010-1 dated 8.11.2010, more particularly para 4 (i) of the said Government Order, no action shall be taken by the respondents to refix the scale of pay of the petitioners and similarly placed persons;*

*vi) Subject to amendment, if any, that may be made to FR 22-B, with reference to G.O. Ms. No.63305/Pay Cell/2020-1 dated 8.11.2020, the respondents are at liberty to revise the salary of the persons who are in service by refixing their scales of pay in the selection grade as also the pensionary benefits of the pensioners by refixing their scales of pay in selection grade in line with the amendments that may be made to FR 22-B for computing the admissible pension payable based on para 4 (i) of G.O. Ms. No. 63305/Pay Cell/2010-1 dated 8.11.2010, which shall be applicable only prospectively and not retrospectively;*

*vii) Pursuant to the amendment, if any, made to FR 22-B, upon refixation of the scales of pay of the petitioners, and*



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*computing the revised pay that the petitioners who are in service would be entitled to and the revised monthly pension that the retired petitioners would be entitled to, it is made clear that the petitioners would also be entitled for selection grade benefit in the post of HM-MS upon completion of 10 years of service in the said post;*

*viii) The grant of selection grade scale of pay in the post of HM-MS shall be fixed after amendment to FR 22-B and after refixing the selection grade scale of pay of the petitioners in the erstwhile post of HM-PS and monetary benefit, if any payable, shall be computed and paid to petitioners from the date when they become eligible for such selection grade scale of pay, including arrears of pay.*

*ix) The Accountant General is directed to compute the pension in the scale of pay which the petitioners were drawing on the date of their retirement, if not computed in the said scale, and pay the arrears of pension on the said higher scale to the retired petitioners, if not already paid".*

6. Accordingly, this writ petition is disposed of in terms of the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

17.04.2026

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