



W.P.(MD) No.13116 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.13116 of 2026

and

W.M.P.(MD) Nos.9855 & 9856 of 2026

J.Nelson

... Petitioner

-vs-

- 1.The State of Tamil Nadu
rep.by its Principal Secretary to Government
School Education Department
Secretariat, Fort St.George
Chennai-600 009
- 2.The Principal Accountant General (A&E)
361, Anna Salai
Chennai-600 018
- 3.The Director of Elementary Education
Chennai-06
- 4.The District Educational Officer (Elementary)
Valliyur, Tirunelveli District
- 5.The Block Educational Officer
Nanguneri, Tirunelveli District



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6.The Correspondent
TDTA Elementary School
Melachettikulam
Nanguneri, Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the orders passed by the second respondent in his proceedings in No.E22/2/12234603/ADK dated 20.03.2026 and quash the same and direct the respondents to sanction the pension benefits with grade pay of Rs.5,400/- with all other consequential benefits to the petitioner.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.N.Satheesh Kumar
Addl. Government Pleader for R1, R3 to R6
Mr.P.Gunasekaran for R2

ORDER

Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for the respondents 1, 3 to 6 and Mr.P.Gunasekaran, learned counsel, takes notice for the second respondent.



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2. With the consent of both sides, this writ petition is disposed of at the admission stage.

3. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1, 3 to 6 and learned counsel appearing for the second respondent.

4. This writ petition has been filed against the orders 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 the Government Orders in G.O.(Ms.) No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.(Ms.) No.23, Finance (Pay Cell) Department, dated 12.01.2011.

5. Today, when the matter is taken up for consideration for admission, learned counsel on either side agree that the issue that arises for consideration in this writ petition is squarely covered by an order passed by the Coordinate Bench of the Principal Seat of this Court in W.P.No.12275 of 2024 and batch, dated 02.03.2026, in an identical fact situation and a copy of



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the said order is also placed before this Court. Further, in terms of the directions issued in the said order, this Court has also disposed of a batch of writ petitions vide order dated 26.03.2026 in W.P.(MD) No.30967 of 2025 and batch.

6. In the light of the above, this Court, after perusing the impugned orders passed by the respondent authorities, is of the considered view that this writ petition can be disposed of in the light of the directions issued in the said order dated 02.03.2026 in W.P.No.12275 of 2024 and batch. The directions issued at Paragraph No.85 of the said order read 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;*



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- 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*



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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 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*



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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".

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

28.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Principal Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
Chennai-06.
- 3.The District Educational Officer (Elementary),
Valliyur, Tirunelveli District.
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MUMMINENI SUDHEER KUMAR, J.

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