



WA(MD)No.832 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.06.2026

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

WA(MD)No.832 of 2026
and
CMP(MD)No.7057 of 2026

R.Shanmugam

... Appellant

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 Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Thanjavur District, Thanjavur.
- 4.The District Educational Officer (Secondary),
Kumbakonam, Thanjavur District.
- 5.The Correspondent,
The Crescent Higher Secondary School,
Avaniapuram-612 107,



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Thiruvidaimarudur Taluk,
Thanjavur District.

... Respondents

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PRAYER :- Writ Appeals filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.968 of 2023 dated 22.04.2026.

For Appellant : Mr.G.Sailendrababu
For R1 to R4 : Mr.C.Jeganathan, Counsel for State

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of the learned Single Judge dismissing the writ petition, the writ petitioner has filed this appeal.

2. The writ petition has been filed challenging the order of the 4th respondent dated 14.12.2022 rejecting the claim of the appellant/writ petitioner for grant of personal pay of Rs.750/- per month on notional basis with effect from 01.01.2006 till the date of his promotion to the post of B.T Assistant on 03.10.2010 with consequential fixation of pay in the post of B.T Assistant on notional basis. The learned Single Judge considering G.O.(Ms)No.23, Finance (Pay Cell) Department, dated 12.01.2011, held that the benefits cannot be extended retrospectively and



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further on the date of said G.O., the appellant was already promoted to the post of B.T Assistant and therefore, he is not entitled to such benefit since the said benefit is meant for the Secondary Grade Teachers alone. Challenging the said order, this appeal has been filed.

3. The main contention of the learned counsel for the appellant is that the Division Bench in Rev.Aplc(MD)Nos.89 and 117 of 2021 etc., dated 04.02.2022, has held that such benefits under G.O.(Ms)No.23 will be applicable to persons who were promoted after 01.08.2010. Therefore, it is his contention that in the light of the said order, the appellant is entitled to the benefit of G.O.(Ms)No.23. According to him, the learned Single Judge has not considered the same.

4. Learned counsel for State, on instructions, would submit that G.O.(Ms)No.23 is applicable only prospectively. Therefore, retrospective effect cannot be given. The learned Single Judge is right in dismissing the writ petition. He further submitted that in the review applications, the Division Bench has not discussed the issue as to whether G.O.(Ms)No.23 is applicable prospectively or retrospectively



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and has simply held that persons promoted after 01.08.2010 can claim such allowance. Therefore, such finding is without any basis and contrary to G.O.(Ms)No.23.

5. We have perused the entire materials.

6. The only issue remains to be answered in this appeal is whether G.O.(Ms)No.23 will apply retrospectively even to the promotional post. It is not in dispute that the writ petitioner was originally appointed as Secondary Grade Teacher in the 5th respondent school on 02.08.1998 and his services were regularised in the said post from 02.06.2003. When the 6th pay commission came into force from 01.01.2006 by virtue of the orders passed in G.O.Ms.No.238, Finance (Pay Cell) Department, dated 01.06.2009, as anomaly arose in fixation of pay of the Secondary Grade Teachers, One Man Commission was appointed and certain recommendations were made. Pursuant to the same, the Government has issued G.O.(Ms)No.270, Finance (Pay Cell) Department, dated 26.08.2010, granting a special allowance at the rate of Rs.500/- to the Secondary Grade Teachers with effect from 01.08.2010. As per the



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above G.O., the writ petitioner who was holding the post of Secondary Grade Teacher at the relevant point of time, was also extended with the benefit of special allowance with effect from 01.08.2010. Later, the writ petitioner was promoted to the post of B.T Assistant(Maths) on 03.10.2010. In the meanwhile, based on the further claim made by the Secondary Grade Teachers, special allowance of Rs.500/- granted in G.O(Ms)No.270 was enhanced to Rs.750/- by way of G.O.(Ms)No.23. Basing on G.O(Ms)No.23, the writ petitioner claims pay fixation on the basis of enhanced special allowance.

7. We have perused the relevant Government Orders.

8. It is relevant to note that on the date of G.O.(Ms)No.23, Finance (Pay Cell) Department, dated 12.01.2011, the writ petitioner was no longer in the post of Secondary Grade Teacher. He was already promoted to the post of B.T Assistant on 03.10.2010. Therefore, any benefit conferred in the later G.O cannot be applied to him who is no longer in that post. In other words, the writ petitioner who ceased to be a Secondary Grade Teacher and promoted to the next cadre, i.e., B.T



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Assistant on the date of issuance of G.O.(Ms)No.23, cannot as a matter of right, claim the benefit conferred upon G.O.(Ms)No.23. Perusal of G.O.(Ms)No.23 also shows that the pay revision shall be implemented notionally with effect from 01.01.2006 with monetary benefit from 01.01.2011 and the personal pay shall also be admissible from 01.01.2011. G.O.(Ms)No.23 also specifically states that personal pay shall be taken into account for future annual increment, dearness allowance and pensionary benefits, thereby indicating that personal pay was given only prospective effect. Therefore, it cannot be said that merely because such benefits were extended to the writ petitioner, he is entitled to fixation retrospectively. The Division Bench in Rev.Applc(MD)Nos.89 and 117 of 2021 etc dated 04.02.2022, has not gone into the issue of whether G.O.(Ms)No.23 will apply prospectively or retrospectively. Hence, the order passed in the said review applications relied upon by the counsel for the appellant will not help the case of the appellant in any manner. Thus, we do not find any infirmity in the impugned order of the learned Single Judge.



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9. Accordingly, the Writ Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
12.06.2026

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To

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

2.The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Thanjavur District, Thanjavur.

4.The District Educational Officer (Secondary),
Kumbakonam, Thanjavur District.



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AND
M.JOTHIRAMAN, J.

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JUDGMENT MADE IN
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DATED : 12.06.2026