



W.P.No.10336 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.10336 of 2015

S.Palanichamy
(Sanitary Inspector (Retired))
Palani Municipality
12, VOC Street,
Railway Feeder Road
Palani – 624 601.
Dindigul District.

... Petitioner

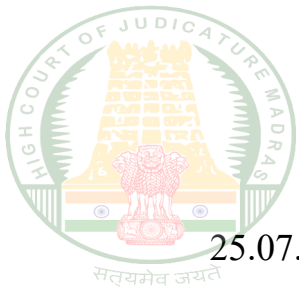
vs.

1. The Assistant Director
Local Fund Audit
Kuralagam,
Chennai-600 108.

2. The Commissioner
Palani Municipality
Palani – 624 601
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Assistant Director of Local Fund Audit, Chennai, the first respondent herein made in Mu.Mu.No.21385/Na.O.Sa.1/2014 dated



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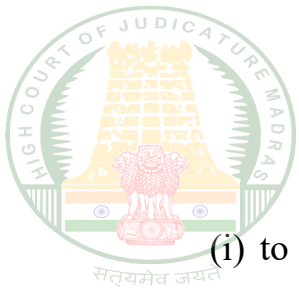
25.07.2014, quash the same and direct the first respondent herein to implement the refixation ordered by the Commissioner (incharge) Palani Municipality, the second respondent herein made in his office Na.Ka.No.595/2014/H1 dated 1.07.2014 and consequently, direct the first respondent herein to refix the retiral and pensionary benefits of the petitioner and disburse all the amount withheld by the respondents together with the accrued service and monetary benefits due to the petitioner within a short date.

For Petitioner : Mr.K.Rajkumar
For Respondent : Mr.P.Ganesan,
Government Advocate, for R1
Mr.V.Veluchamy
Additional Government Pleader, for R2

ORDER

Heard Mr. K. Rajkumar, learned counsel for the petitioner, Mr. P. Ganesan, learned counsel for the first respondent, and Mr. V. Veluchamy, learned counsel for the second respondent.

2. The petitioner challenges the communication dated 25.07.2014 bearing Reference No. Mu.Mu.No.21385/Na.O.Sa.1/2014 issued by the first respondent. By the said communication, the first respondent rejected the petitioner's representation dated 28.01.2014, wherein the petitioner sought:



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(i) to reckon the service rendered in the post of Health Assistant together with the service rendered in the post of Sanitary Inspector for the purpose of calculating qualifying service up to the date of retirement; (ii) to refix his pensionary benefits accordingly; and (iii) to refund a sum of Rs.26,161/- recovered from his Death-cum-Retirement Gratuity (DCRG).

3. The admitted facts are as follows:

3.1. The petitioner was appointed as Health Assistant in Palani Municipality on 10.08.1965 and was promoted to the post of Sanitary Inspector on 20.09.1969. The Government issued G.O.Ms.No.210, Finance (Pay Cell) Department, dated 04.04.1988, whereby the Special Grade scale of pay of Rs.1045–1775 was made applicable to Sanitary Inspectors in the Corporations of Madras, Madurai and Coimbatore, Municipalities and Township Committees, who had completed 20 years of service as Sanitary Inspectors in the respective department. The said Government Order was given retrospective effect from 04.09.1987. As per the said order, a Sanitary Inspector should have completed 20 years of service for grant of Special Grade.



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3.2. Subsequently, G.O.Ms.No.120, Finance (Pay Commission)

Department, dated 02.02.1990, was issued, whereby the post of Junior Sanitary Inspector in Madurai Corporation and the post of Health Assistant in Coimbatore Corporation, Municipalities and Township Panchayats were merged and placed in the revised scale of pay of Rs.1200–2040 with effect from 01.06.1988 and Rs.1350–2200 with effect from 04.11.1988.

3.3. Thereafter, Government Letter No.135409/PC/92 dated 25.01.1993 was issued, clarifying that Sanitary Inspectors who were promoted from the post of Health Assistant/Junior Sanitary Inspector prior to 01.06.1988 may be permitted to move to Selection Grade/Special Grade in the merged category by taking into account their total service in the posts of Health Assistant, Junior Sanitary Inspector and Sanitary Inspector put together.

3.4. Pursuant to the clarification dated 25.01.1993, the petitioner was moved to the Special Grade of pay with effect from 04.09.1987. The petitioner retired from service on attaining the age of superannuation on 31.03.1999. Based on audit objections, an order dated 07.07.1999 was issued



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refixing the petitioner's pay and directing recovery of an alleged excess amount of Rs.26,161/- from his DCRG.

3.5. The ground for refixation was that the post of Health Assistant was merged with that of Sanitary Inspector only on 02.02.1990 and that the benefit of Special Grade under G.O.Ms.No.210 dated 04.04.1988 was applicable only to those Sanitary Inspectors who had completed 20 years of service. Since the petitioner had not completed 20 years of service as Sanitary Inspector as on 04.09.1987, the benefit was held to be inapplicable.

4. Admittedly, the post of Health Assistant was merged with that of Sanitary Inspector on 02.02.1990. G.O.Ms.No.210 dated 04.04.1988 had been issued earlier. As per the clarification letter dated 25.01.1993, Sanitary Inspectors who were promoted from the post of Health Assistant/Junior Sanitary Inspector prior to 01.06.1988 were permitted to move to Selection Grade/Special Grade in the merged category by reckoning their total service in the posts of Health Assistant, Junior Sanitary Inspector and Sanitary Inspector together.



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5. In the present case, the petitioner was appointed as Health Assistant on 10.08.1965 and was promoted as Sanitary Inspector on 20.09.1969, which was prior to 01.06.1988, and he had completed twenty years of combined service in both posts. Therefore, his case squarely falls within the ambit of the clarification dated 25.01.1993.

6. As on 04.09.1987, the petitioner had completed more than 20 years of total service in the combined posts of Health Assistant and Sanitary Inspector. Hence, the contention of the learned State Counsel that the petitioner had not completed 20 years of service as on 04.09.1987, if reckoned only from the date of promotion as Sanitary Inspector, cannot be sustained in view of the specific clarification permitting computation of the total length of service in the merged category.

7. The refixation of pay, without reference to the clarification letter dated 25.01.1993 and without affording an opportunity of notice to the petitioner, is arbitrary and violative of the principles of natural justice. Consequently, the impugned order passed by the first respondent is liable to be set aside. The Special Grade pay of the petitioner, as originally fixed with effect from 04.09.1987, is restored.



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8. Accordingly, this Writ Petition is allowed. The impugned

communication dated 25.07.2014 bearing Reference No. Mu.Mu.No.21385/Na.O.Sa.1/2014 issued by the first respondent is hereby quashed. The respondents are directed to refund the sum of Rs.26,161/- recovered from the petitioner's DCRG, revise the petitioner's pension and other pensionary benefits accordingly, and disburse the arrears of pension within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

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2. The Commissioner
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