



WEB COPY



WA No. 1738 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 1738 of 2026 AND
CMP NO. 15982 OF 2026**

1. The State Of Tamil Nadu
Represented By Its Additional Chief Secretary
To The government, Home(Police)
Department, Fort St. George,
Chennai -600009.
2. The Director General Of Police L And O
(Head Of Police Force),
Office Of The Director General Of Police,
Mylapore, Chennai -600004.
3. The Commissioner Of Police
Vepery, Chennai -7.
4. The Joint Commissioner Of Police
Traffic Zone (South), Chennai.

..Appellants

Vs

J Ravi
S/O. Late Jaganathan,
Sub Inspector Of Police (Retired),
S.I. No. 10726, Door No. 34, Old No.45,
Thiruvalluvar Street, Kennedy Square,
Sembium, Perambur, Chennai District -11.

..Respondent



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Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the Order dated 06.10.2025 made in WP.No. 36189 of 2024 and allow the above writ appeal.

For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Mr..V.Lakshminarayanan

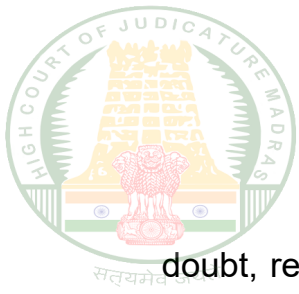
Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Writ order dated 06.10.2025 passed in W.P.No.36189 of 2024 is under challenge in the present writ appeal.

2. State has preferred the present appeal mainly on the ground that the impugned recovery order was passed based on the fact that excess salary has been paid to the respondent employee. Learned Government Counsel appearing for the State would submit that, in view of the erroneous pay fixation done, the respondent has drawn excess salary which is sought to be recovered and thus the present writ appeal is to be considered.

3. Fact remains that the respondent retired from services as Sub Inspector of Police on 31.05.2024 on attaining the age of superannuation. The impugned order of recovery was passed on the eve of his retirement. No



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doubt, recovery in respect of an employee who is in the eve of his retirement would result in hardship. However, no Government servant is entitled to receive excess salary, which will result in unjust gain. Thus, the authority competent is empowered to correct the errors in fixation of pay. However, in respect of recovery, if there is any misrepresentation or undertaking by the government employee then alone such excess salary can be recovered. In respect of other cases, the recovery would result in hardship.

4. In view of the fact that the writ court itself has directed the respondent to give a representation in respect of re-fixation if any grievance exists and the authorities competent shall consider the same and fix the scale of pay as well as revision of pay if any in accordance with the Pay Rules and the Government Orders in force, it is needless to reiterate that the pay fixation is to be done strictly in accordance with the Rules applicable to the post as well as by considering the service record of the employee concerned. Thus, the authorities at liberty to correct the scale of pay if any mistake is identified. If at all any representation is received from the respondent, the same shall also be considered as directed by the writ court. However, the interest awarded by the writ court in respect of recovery of excess pay alone is set aside. The amount if any recovered alone shall be refunded to the respondent without any interest.



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5. With the above observations and directions, the writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
06-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

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AND
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