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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9555 of 2025

K.Srinivasan
S/o. Kuppusamy, No.47, Nehru Street, Cheyyar,
Tiruvannamalai- 604 407.

..Petitioner(s)

Vs

1. The Principal Accountant General Of Tamil Nadu (A and E)
   Office Of The Principle Accountant General (A and E) 361, Anna Salai, Chennai- 18.
2. District Health Officer
   District Health Office, Cheyyar,
   Tiruvannamalai District- 604 407.
3. Block Medical Officer
   Primary Health Centre, Navalpakkam,
   Tiruvannamalai District- 604 503.

..Respondent(s)

***PRAYER*:** Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of Certiorarified mandamus call for the entire records perusal to impugned proceedings in Na.ka. No. 465/A1/ 2023 dated 24.12.2024 on the file of the 3rd respondent quash the same consequently directing the respondents to furnish all attendant benefits

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by fixing his last drawn pay of Rs.73,700 /- consequently directing the 1st respondent to refix his pension based on the last drawn pay of Rs 73,700 /- and pay arrears with 12 percent interest within a stipulated period of time as fixed by this court.

For Petitioner(s): Mr. R.Ezhilarasan

For Respondent(s): R1 Served- No Appearance
Mr. L. Gokulraj,
Government Advocate for R2 &R3

ORDER

The above Writ Petition has been filed challenging the recovery proceedings initiated by the 4th respondent against the petitioner and seeking a consequential direction directing the respondents to refund the recovered amount.

2 The petitioner was appointed as a Multi-purpose Health Assistant on 06.04.1990, promoted as Block Health Supervisor on 21.01.2010, and superannuated on 31.01.2024. Though the petitioner's last drawn pay was fixed at Rs. 73,700/-, the 1st respondent reduced it to Rs.67,500/- and calculated the pension without any notice to him. Thereafter the petitioner submitted his representation to refix pay on 21.11.2024, however without

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considering his representation the 3rd respondent by proceedings dated 21.12.2024, ordered recovery of Rs. 5,79,146/- towards alleged excess salary paid over the preceding ten years. Aggrieved by the said order, the petitioner has filed the present writ petition challenging the impugned proceedings

3. It is the contention of the learned counsel for the petitioner that in the light of the judgment of Hon'ble Supreme Court in the case of State of Punjab vs. Rafiq Masih reported in ***(2015) 4 SCC 334*** popularly called as White Washer's Case, the recovery was per se illegal.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The entire case rests on whether the respondents have the authority to recover the money from the petitioner.

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6. The petitioner has placed reliance on the White Washer's case, supra, where, the Hon'ble Supreme Court has set out the categories where the recovery by the employer would be impermissible in law in paragraph no.18 which would read as follows:

> *"18. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-*
>
> *(i)Recovery from employees belonging to Class III and Class IV service (or Group 'C' and Group 'D' service).*
>
> *(ii)Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

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(iii)Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery. is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v)In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

Admittedly, the petitioner falls within Paragraph 18(ii) of the aforesaid judgment. Therefore, the recovery proceedings initiated by the 3rd respondent are liable to be set aside.

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7. Consequently, the impugned order is quashed, and the amount, if already recovered, shall be refunded to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Insofar as the other relief relating to refixation of the scale of pay is concerned, the petitioner has already submitted a representation and the 3rd respondent is directed to consider the said representation and pass appropriate orders as early as possible.

8. With the above directions, this Writ Petition is partly allowed. Consequently, connected miscellaneous petition stand closed. No costs

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRN

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