



WEB COPY



WA No. 2482 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WA No. 2482 of 2026 AND CMP NO. 21905 OF 2026

1. Home Police Department
Rep. By Its Additional Chief Secretary To The
Government, Home Police Department, Fort
St. George, Chennai - 600 009.
2. The Director General Of Police Law And Order
Head Of Police Force, Office Of The Director
General Of Police, Mylapore, Chennai - 600
004.
3. Head Of Police Force, Office Of The Director
General Of Police, Mylapore, Chennai - 600
004.
4. The Commissioner Of Police
Chennai City, Vepery, Chennai.
5. The Deputy Commissioner Of Police
Headquarters, Greater Chennai Police,
Chennai.

..Appellants

Vs

1. T.Parthiban S/o.Late Thangavelu,
Sub Inspector of Police (Retired),
S.I.No.9549, No.4/D113, 18th Street,
Periyar Nagar, Cheenai District 600 082.
2. The Principal Accountant General A And E
Tamil Nadu, Teynampet, Chennai.

..Respondents



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Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the impugned order dated 06.10.2025 made in WP.No.38301 of 2024 and allow this Writ appeal.

For Appellant(s): Ms.Y.Kavitha,
Additional Government Pleader

For Respondent(s): Mr.V.Vijay Shankar
Standing Counsel For R2
M/s.V.Lakshminarayanan For R1

Judgment

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

The present intra court appeal is preferred by the Police Department challenging the order dated 06.10.2025 passed in W.P.No.38301 of 2024.

2. With the consent of both parties, the writ appeal is taken up for final hearing.

3. An order of refixation of pay and consequential recovery order was issued based on the audit objections. The first respondent / writ petitioner challenged the said refixation of pay and recovery. The Writ Court considered the issues and held that the amount which has been paid to the petitioner cannot be recovered and set aside the impugned order of recovery. While directing the employee to give a representation regarding refixation, the writ court directed to refund the excess salary already recovered from the



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respondent in view of the principles laid down by the Hon'ble Supreme Court
in the case of **State of Punjab v. Rafiq Masih (2015) 4 SCC 334.**

4. In view of the facts and circumstances, the revision of pay effected pursuant to the Audit Objection is confirmed, but the recovery of excess pay alone is set aside. The excess amount recovered on account of the impugned order is directed to be re-paid to the respondent employee within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.G.R.,J.)
19-08-2026

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

KST

To

The Principal Accountant General A And E
Tamil Nadu, Teynampet, Chennai.



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**S.M.SUBRAMANIAM J.
AND
KRISHNASWAMY GOVINDARAJAN J.**

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