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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2021 of 2026

1. The State of Tamil Nadu
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. The Commissioner Of Police
Vepery,
Chennai.
4. The Deputy Commissioner Of Police
Welfare And Housing
Chennai.

..Appellant(s)

Vs

1. N.Manimaran
2. The Principal Accountant General (A and E)
Teynampet,
Chennai.

..Respondent(s)

Writ Appeal filed Clause 15 of the Letters Patent issuing writ of
certiorari mandamus to set aside the impugned order dated 28.08.2025 made



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in WP No.32005 of 2025 allow the Writ Appeal.

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

For Respondent(s): Mr.V.Lakshminarayanan for R1,
Ms.V.Kanchana for Mr.V.Vijay Shankar, Standing
Counsel for R2

JUDGMENT

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

The State preferred the present writ appeal challenging the writ order dated 28.08.2025 made in WP No.32005 of 2025.

2. Respondent was appointed as Grade II Police Constable in Tamil Nadu Police Department. He retired as Sub-Inspector of Police on 28.02.2025. On his retirement, his pay was refixed and recovery order was passed based on the audit objection. The fixation done in the case of the respondent was erroneous.

3. Learned Single Judge relying on the principle laid down by the Hon'ble Supreme Court of India in the case of ***State of Punjab v. Rafiq Masih***¹, held that the error in refixation can be corrected but recovery of excess salary paid shall not be recovered.

¹2015 4 SCC 334



4. Authorities Competent are empowered to rectify the errors in fixation of pay and grant the correct pay as applicable. However, in the absence of any misrepresentation on the part of the employee, excess salary paid at the instance of the department cannot be recovered. It is an error committed by the Establishment for which the petitioner cannot be penalised after a lapse of many years. Recovery of excess salary at this length of time would result in extreme hardship to the employee.

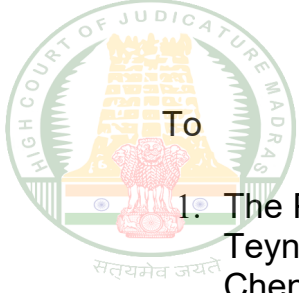
5. The Writ order dated 28.08.2025 made in WP No.32005 of 2025 is in consonance with the legal principle settled by the Courts. Thus, this Court does not find any infirmity in the impugned order.

6. However, the appellants are directed to refund the recovered amount, if any, to the respondent within a period of 8 weeks from the date of receipt of a copy of the order. With the above directions, the appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
17-07-2026

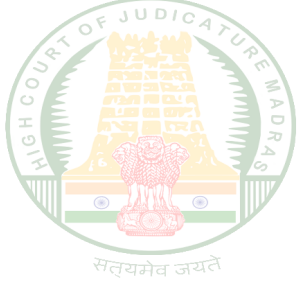
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD



1. The Principal Accountant General (A and E)
Teynampet,
Chennai.

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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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