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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WA No. 2399 of 2026

and

C.M.P.No.21140 of 2026

1. The State of Tamil Nadu
Represented 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
Chennai City
Vepery,
Chennai.
4. The Deputy Commissioner Of Police
Headquarters,
Greater Chennai Police,
Chennai.

..Appellant(s)

Vs

1. N.Gopalakrishnan
S/o.Late.Narayanaswamy,
Sub Inspector of Police (Retired)
S.I.No.9792, No.13/1, Anna Nagar
Extn, 5th Street, Velachery,
Chennai District-600 042.



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

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..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the impugned order dt. 06.10.2025 made in W.P.No. 38298 of 2024.

For Appellant(s): Ms.R.K.Sekina Reshma,
Addl.Govt.Pleader

For Respondent(s): Mr.V.Lakshminarayanan for R1
Mr.S.Mahesh
for Mr.V.Vijay Shankar for R2

JUDGMENT

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

By consent of the parties, the writ appeal is taken up for final disposal.
The present writ appeal is filed to set aside the order dated 06.10.2025 made
in W.P.No.38298 of 2024.

2. The Writ Court considered the issues and held that recovery of
excess salary paid to the employee is impermissible in view of the ratio laid
down by the Hon'ble Supreme Court in the case of **State of Punjab -vs- Rafiq
Masih (2015) 4 SCC 334**. However, the writ Court has permitted the
authorities to refix the pay as admissible and in accordance with the Pay
Rules and Government Orders in force reiterating that arrears in fixation can
be corrected by the authorities at any point of time. While doing so, if
recovery is made after a prolonged period, it will result in hardship to the



employees in the absence of any misrepresentation or clear undertaking, recovery need not be effected, but the authorities shall correct the fixation as per the Rules. Since that being the order passed by the writ Court, this Court does not find any infirmity in the order passed by the writ Court. Thus, the order of recovery alone is set aside and the order of refixation stands confirmed. However, the appellants are directed to refund the excess salary already recovered from the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order.

3. With the above direction, the Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.G.R.,J.)
13-08-2026

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

VSI

To
The Principal Accountant General (A&E)
Tamil Nadu,
Teynampet,
Chennai.



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**S.M.SUBRAMANIAM, J.
and
KRISHNASWAMY GOVINDARAJAN, J.**

vsi

WA No. 2399 of 2026

13-08-2026