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WP No. 12261 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

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

WP No. 12261 of 2026

AND

WMP NO. 13393 OF 2026

M.Rajendran
Aged about 60 years,
S/o.K.Muthusamy,
No.302/7, vasantham nagar,
Ellies nagar (post),
Dharapuram,
Tiruppur District - 638 657.

..Petitioner(s)

Vs

1. The State of Tamilnadu Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Public Health and Preventive Medicine
Department, chokkalingam nagar, teynampet,
chennai - 600 006.
3. The Accountant General (Accounts and
Entitlements),
Tamilnadu, No.361, Anna Salai,
Teynampet, chennai - 600 018.
4. The District Health Officer,
(Formerly named as Deputy Director of Health
Services) District Health Office, Tiruppur,
Tiruppur District - 641 602.
5. The Block Medical Officer,
Government Primary Health Centre,
Vellakovil,
Tiruppur District - 638 111.



..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 5th respondent having Ref.No.06/A1/2021 dated 11.04.2025 calculating the excess pay and allowances drawn by the petitioner at Rs.3,99,552 by revising the petitioners pay in the post of multi-purpose Health Supervisor and block health supervisor of the government primary health centre, Vellakoil and quash the same as illegal and arbitrary and consequently direct the 5th respondent to refund the sum of Rs.3,99,552 collected from the petitioner from the death cum retirement gratuity of the petitioner pursuant to proceedings having Ref.No.06/A1/2021 dated 11.04.2025 passed by the 5th respondent along with interest at 12 percentage till date of refund.

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For Petitioner(s): Mrs.Nalini Chidambaram, Senior counsel assisted by Mrs.C.Uma
A.Govindaraj
Kanchi Kailasam

For Respondent(s): Mr.M.Bindran, AGP for RR1,2,4&5

Order

- (1) Challenging the order of recovery and revision of pay, dated 11.04.2025, passed by the 5th respondent, the petitioner is before this Court, with a prayer to quash the same and for consequential direction to the 5th respondent, to refund the sum of Rs.3,99,552/- recovered from the petitioner, along with interest at the rate of 12% per annum.



(2) Mr.M.Bindran, learned Additional Government Pleader accepts notice on behalf of the respondents 1, 2, 4 and 5. With the consent of the learned counsels on either side, the writ petition is taken up for final disposal.

(3) The case of the petitioner is that he was appointed as Leprosy Inspector in the Government Leprosy Control Unit, Dharapuram, Erode District [now Tiruppur District], on 31.01.1989. Subsequently, he was promoted as Block Health Supervisor, and was posted at Block Government Primary Health Centre, Thalavady, on 09.10.2017. Pursuant to the V Pay Commission, the Government issued G.O.Ms.No.664, dated 24.08.1992, sanctioning Personal Pay of 5% of the basic pay. The Health Inspector Grade-1B fall under the 3rd category, namely, categories of staff in the pre-revised scale of pay of Rs.705-1230 moving over to the revised scale of pay of Rs.1200-2040 and were eligible for 5% Personal Pay. It is the case of the petitioner that he was redesignated as Health Inspector Grade-1B and hence, he is entitled to 5% Personal Pay. However, the 5th respondent, vide order dated 11.04.2025, revised the pay scale of the petitioner and as per the revision, the excess payment made to the petitioner for the period from 01.08.1997 to 31.05.2025, to the tune of Rs.3,99,552/-, was ordered to be recovered. Further, the 4th respondent permitted the petitioner to retire from service, on the undertaking that if any excess salary has been drawn by the petitioner, the same shall be deducted from the DCRG of the petitioner. It is the further case of the



petitioner that he sent a representation dated 26.12.2025, to the respondents 2, 4 and 5, seeking refund of Rs.3,99,552/-. The grievance of the petitioner is that 5% Personal Pay has been merged with the pre-revised scale of pay and that he is eligible for pension at Rs.45,300/- instead of Rs.44,000/-. Since his representation has not been considered and seeking the aforesaid reliefs, the petitioner is before this Court, by way of the above writ petition.

- (4) The learned Senior counsel for the petitioner submitted that issue in the present writ petition is squarely covered by the orders of this Court dated 27.01.2026 made in WP.Nos.1890 & 1894/2026 and WP.Nos.47695, 47697, 26183 and 26188/2025.
- (5) Heard the learned counsels on either side and perused the materials placed on record.
- (6) It is not in dispute that the petitioner was granted 5% Personal Pay and the same was merged with the revised scale of pay pursuant to the proceedings of the competent authority. The impugned order seeks to refix the pay by merging the 5% Personal Pay with the pre-revised scale and consequently, to reduce the pension and to recover a sum of Rs.3,99,552/-, from the DCRG benefits of the petitioner. Admittedly, the alleged excess payment was not on account of any misrepresentation or fraud on the part of the petitioner.



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- (7) The Hon'ble Supreme Court in *State of Punjab Vs. Rafiq Masih [White Washer]* reported in *2015 [4] SCC 334*, has categorically held that recovery from retired employees is impermissible in law, particularly when the excess payment was not attributable to any misrepresentation or fraud on the part of the employee. The said principle has been followed by the Government in G.O.Ms.No.286, dated 28.08.2018, wherein it has been clarified that no recovery shall be made from retired employees or in cases where the excess payment had been made for a period exceeding five years prior to the order of recovery.
- (8) The same view was taken by this Court in WP.Nos.1890 and 1894/2026 and WP.Nos.47695, 47697, 26183 and 26188/2025, vide order dated 27.01.2026.
- (9) In the present case, the petitioner retired from the service on 31.05.2025. Thereafter, the 5th respondent refixed the pay and held that excess pay and allowances had been drawn by the petitioner and proceeded to effect recovery. Admittedly, the alleged excess payment was not on account of any fault on the part of the petitioner. In such circumstances, the action of the 5th respondent in refixing the pay and ordering recovery is unsustainable in law. Therefore, this Court is of the view that the impugned proceedings cannot be sustained and is liable to be set aside.
- (10) In view of the above, the impugned proceedings of the 5th respondent dated 11.04.2025, is hereby quashed. Accordingly, the writ petition



stands allowed. The fifth respondent is directed to refund the sum of Rs.3,99,552/- recovered from the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order. No costs.

Consequently, the miscellaneous petition is closed.

02-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AP

To

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State of Tamilnadu
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Public Health and Preventive Medicine Department, chokkalingam nagar,
teynampet, chennai - 600 006.
3. The Accountant General (Accounts and Entitlements),
Tamilnadu, No.361, Anna Salai,
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