



WEB COPY

WP No. 23932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

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

WP No. 23932 of 2026

AND

WMP NO. 25993 OF 2026

K.ARUMUGAM (Rtd SSI)

..Petitioner(s)

Vs

1. The Director General of Police
Kmarajar Salai,
Mylapore,
Chennai- 600 004.
2. The Commissioner of Police
Coimbatore City,
Coimbatore.
3. The Accountant General (Accounts and
Entitlements)
No.361, Anna Salai,
Teynampet,
Chennai-18.

..Respondent(s)

Prayer: -Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in P05/ 10537141 / 2/ R0537141 dated 25.11.2024 issued by the 3rd Respondent and the consequential impugned order in No.427/ 2025, Na.Ka.No. P5/ 62271/ 2025 dated 21.03.2025 issued by the 2nd Respondent and quash the same as illegal.



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For Petitioner(s):

Mr.A.Rajaram

For Respondent(s):

Mr.V.Sivalingam, GA for R1 and R2

Mr.P.K.Rishikesh, Standing Counsel for R3

ORDER

The Writ petition is filed for the following relief:

“ to call for the records pertaining to the impugned order in P05/ 10537141 / 2/ R0537141 dated 25.11.2024 issued by the 3rd Respondent and the consequential impugned order in No.427/ 2025, Na.Ka.No. P5/ 62271/ 2025 dated 21.03.2025 issued by the 2nd Respondent and quash the same as illegal.. ”

2. The petitioner was appointed as a Grade II Police Constable in the Tamil Nadu Police Department on 27.05.1988. At the time of his superannuation he was holding the post of Special Sub Inspector of Police. He had retired from service on 30.09.2024.

3. The petitioner would submit that he had attained retired from service on 30.09.2024 and after retirement in the month of November 2024 and March 2025 he was issued with the impugned orders of reduction and re fixation of his pay by proceedings dated 25.11.2024 and 21.03.2025 and further recovery of a sum of Rs.2,37,807/- was also ordered.



4. The petitioner would submit that he was in no way responsible for the excess payment. Therefore aggrieved the petitioner is before this Court.

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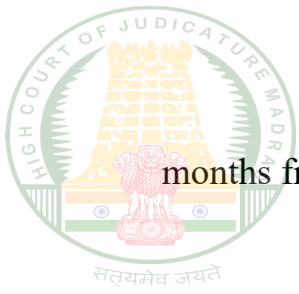
5. Heard the learned counsels for the petitioner and the respondents.

6. The issue of recovery was the subject matter of the Judgement of the *State of Punjab Vs. Rafiq Masih (White Washer) etc.*, reported in **2015 (4) SCC 334**. The Hon'ble supreme Court has held that the recovery cannot be done without issuing a show cause notice.

7. In the Judgement of this Court in WP.No.6401 of 2025, this Court, in similar circumstances, had directed refund of the money already recovered within a period of 6 weeks from the date of receipt of the order with interest at 6% p.a.

8. In the instant case also the impugned order directs that the sum of Rs.2,37,807/- should be recovered from the petitioner's pensionary benefits and credited to the Government account.

9. In the light of the aforesaid Judgement of this Court, the amount of Rs.2,37,807 cannot be sought to be recovered. In case the amount has been recovered the same shall be refunded to the petitioner within a period of 2



months from the date of receipt of a copy of this order.

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10. Accordingly, the Writ Petition is allowed and the impugned orders are set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

25-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

1. The Director General of Police
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P.T.ASHA J.

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