



WEB COPY

WP No. 26744 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

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

WP No. 26744 of 2026

AND

WMP NO. 29256 OF 2026

C.Manivannan

..Petitioner(s)

Vs

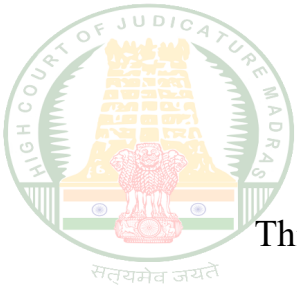
1. The Superintendent Of Police
District Police Office,
Dharmapuri District.
2. The Accounts General Office
No.361, AnnaSalai, Teynampet,
Chennai.

..Respondent(s)

Prayer: -Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus Calling for the records of the 1st respondent vide Na.Ka.No.F.3/ 11030/ 100/ 2024 dated 25.06.2024 and quashing the same as null and void and Consequently direct the respondents to refund the amount of Rs.5,57,301 recovered from the petitioner by ways of excess salary paid to him besides directing the 2nd respondent to refix the last drawn salary of the petitioner at Rs.64,600 for the purpose of calculation of Pension within time frame.

For Petitioner(s): Mr.S.Dayanand

For Respondent(s): Mr.A R Balaji, GA for R.1
Mr.S.Mahesh, for Mr.V.Vijay Shankar, Standing
counsel for R.2.



ORDER

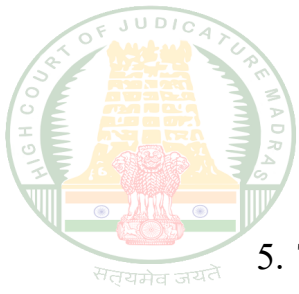
This Writ Petition has been filed for the following reliefs:-

WEB COPY *“Calling for the records of the 1st respondent vide Na.Ka.No.F.3/11030/ 100/ 2024 dated 25.06.2024 and quashing the same as null and void and Consequently direct the respondents to refund the amount of Rs.5,57,301 recovered from the petitioner by ways of excess salary paid to him besides directing the 2nd respondent to refix the last drawn salary of the petitioner at Rs.64,600 for the purpose of calculation of Pension within time frame.”*

2. The petitioner had joined the respondent Department and after rendering 35 years of unblemished service, retired from the post of Special Sub-Inspector of Police on 31.05.2024.

3. The petitioner would submit that he retired from service on 31.05.2024. Subsequent to his retirement, the impugned order of reduction and refixation of pay was issued and recovery of a sum of Rs.5,57,301 was also ordered. The impugned order of refixation and recovery was passed without issuing any notice to the petitioner or affording him an opportunity of hearing. Aggrieved by the same, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the records. By consent of the learned counsel on either side, the matter was taken up for final disposal at the stage of admission.

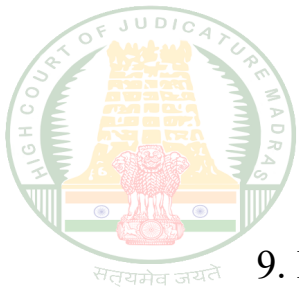


5. The issue of recovery was the subject matter of the Judgement of the *State of Punjab Vs. Rafiq Masih (White Washer) etc.*, reported in **2015 (4) SCC 334**. The Hon'ble supreme Court has held that the recovery cannot be done without issuing a show cause notice. That apart, the Hon'ble Supreme Court has laid down five contingencies wherein recovery by the employers is impermissible in law. One such contingency is that recovery is impermissible from retired employees or employees who are due to retire within one year from the date of the order of recovery.

6. 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.

7. In the instant case also the impugned order directs that the sum of Rs.5,57,301/- should be recovered from the petitioner's pensionary benefits.

8. In the light of the above, the amount of Rs.5,57,301/- 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 1 month from the date of receipt of a copy of this order.



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9. In fine, the Writ Petition is partly allowed as follows:

(i) The orders directing recovery of the excess amount are set aside and any amount already recovered shall be refunded to the petitioner within a period of one (1) month from the date of receipt of a copy of this order.

(ii) Insofar as the other relief relating to re-fixation of pay is concerned, the petitioner is directed to give a representation to the respondents and on such representation being made, the same shall be considered and appropriate orders shall be passed within a period of two months after affording the petitioner a personal hearing and an opportunity to put forth their objections to the proposed re-fixation of pay.

No costs. Consequently, the connected Miscellaneous Petition is closed.

15-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR



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To

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P.T.ASHA J.

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