



WEB COPY

WP No. 24259 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

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

WP Nos. 24259, 24262 & 24400 OF 2024

and

WMP NO. 26508 OF 2024, WMP NO. 26512 OF 2024,

WMP NO. 26670 OF 2024, WMP NO. 26671 OF 2024,

WMP NO. 41145 OF 2024 and WMP No.41167 of 2024

W.P.No.24259 of 2024

E.Murugan L.F. No.7567,
S/o.Elumalai,
Beddur,
Alangayam Fire And Rescue Service Station,
Tamil Nadu Fire And Rescue Service,
Thirupathur District.

..Petitioner(s)

Vs

1. The Director
Tamil Nadu Fire And Rescue Services,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.
2. The District Officer,
Fire And Rescue Service,
Thirupathur, Thirupathur District.

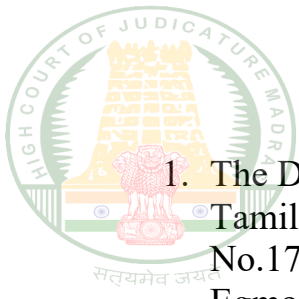
..Respondent(s)

WP No. 24262 of 2024

G.Ramesh L.F.No.7583
S/o.Gnanasekaran,
Karunanidhi Street,
Natrampalli Fire And Rescue Service Station,
Tamil Nadu Fire And Rescue Service,
Thirupathur District.

..Petitioner(s)

Vs



1. The Director
Tamil Nadu Fire And Rescue Services,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.

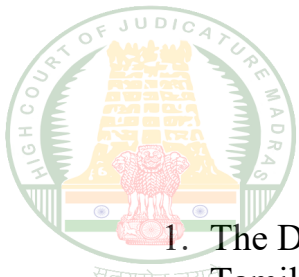
2. The District Officer,
Fire And Rescue Service,
Thirupathur, Thirupathur District.

..Respondent(s)

WP No. 24400 of 2024

1. A.Ponraj L.F.No. 7419
S/o.Achuthan,
Thiruvannainallur Fire And Rescue
Service Station,
Villupuram District, Villupuram.
2. R.Thiruvananthan L.F.No.7457
S/o.M.Ramalingam,
Anniyur Fire And Rescue Service Station,
Villupuram District.
3. A.Prabhu L.F.No.7426
S/o.Arumugam,
Villupuram Fire And Rescue Service Station,
Vikravandi, Villupuram District.
4. D.Veerassamy L.F.No.7425
S/o.Danusu,
Vikravandi Fire And Rescue Service Station,
Vikravandi, Villupuram District.
5. J.Senthamil Selvan, L.F.No. 7345
S/o.Jayaraman,
Villupuram Fire And Rescue Service Station,
Vikravandi, Villupuram District.
6. K.Sadeeshkumar, L.F.No. 7564
S/o.Kaliyaperumal,
Melmalayanoor Fire And Rescue
Service Station,
Melmalayanoor , Villupuram District.

..Petitioner(s)



Vs

1. The Director,
Tamil Nadu Fire And Rescue Services,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai 600 008.

2. The District Fire And Rescue Service Officer,
Villupuram District, Villupuram.

..Respondent(s)

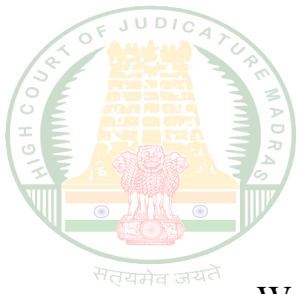
PRAYER IN W.P.No.24259 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent in Pa.Mu.No. 257/2024 Na.Ka. No.775/Aa/2024-1, dated 29.07.2024 to recover the increment Rs.2093 for one instalment and Rs.2000 for forty Seven instalment from the petitioners salary and quash the same as illegal and arbitrary

PRAYER IN W.P.No.24262 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent in Pa.Mu.No. 211/2024 Na.Ka. No.775/Aa/2024, dated 25.07.2024 to recover the increment Rs.1162 for one instalment and Rs.2000 for forty instalment from the petitioners salary and quash the same as illegal and arbitrary

PRAYER IN W.P.No.24400 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent in Pa.Aa.Koppu. 90/2024 Na.Ka.No. 251/AA1/2024 dated 25.07.2024 reduced the petitioners salary Rs.36,300 level 8 from existing salary Rs.37,400 and quash the same as illegal and arbitrary.

For Petitioner(s) in all : K.Srinivasan
W.P.Nos.

For Respondent(s) in all : Mr.V.Sivalingam
W.P.Nos. Government Advocate



COMMON ORDER

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W.P.No.24259 of 2024 is filed for the following relief:

“calling for the records pertaining to the order passed by the 2nd respondent in Pa.Mu.No. 257/2024 Na.Ka. No.775/Aa/2024-1, dated 29.07.2024 to recover the increment Rs.2093 for one instalment and Rs.2000 for forty Seven instalment from the petitioners salary and quash the same as illegal and arbitrary”.

2.W.P.No.24262 of 2024 is filed for the following relief:

“calling for the records pertaining to the order passed by the 2nd respondent in Pa.Mu.No. 211/2024 Na.Ka. No.775/Aa/2024, dated 25.07.2024 to recover the increment Rs.1162 for one instalment and Rs.2000 for forty instalment from the petitioners salary and quash the same as illegal and arbitrary”.

3.W.P.No.24400 of 2024 is filed for the following relief:

“calling for the records pertaining to the order passed by the 2nd respondent in Pa.Aa.Koppu. 90/2024 Na.Ka.No. 251/AA1/2024 dated 25.07.2024 reduced the petitioners salary



Rs.36,300 level 8 from existing salary Rs.37,400 and quash the same as illegal and arbitrary”.

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4.The case of the petitioners in all these writ petitions is that they joined duty as Fireman on 01.12.2002. Upon implementation of the 8th Pay Commission in the year 2017, the petitioners were granted the 2nd increment purely on merit. However, by orders dated 25.07.2024 and 29.07.2024, respectively, the 2nd respondent directed recovery of the increment paid after seven years. The petitioners belong to the Class IV category of employees; therefore, the increment already granted cannot be recovered. Hence, the petitioners have filed these writ petitions challenging the recovery order.

5.Heard the learned counsel on either side and perused the records.

6.The issue relating to the recovery of excess payments made by an employer from its employees is no longer *res integra*. The Hon’ble Supreme Court of India, in ***State of Punjab and Others Vs. Rafiq Masih (White Washer) and Others***, reported in (2015) 4 SCC 334, has laid down certain guidelines regarding the circumstances under which recovery would be impermissible in law. The relevant portion of the judgment reads as follows:

(i) Recovery from employees belonging to Class III and Class Iv service (or Group ‘C’ and Group ‘D’ service).



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(ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

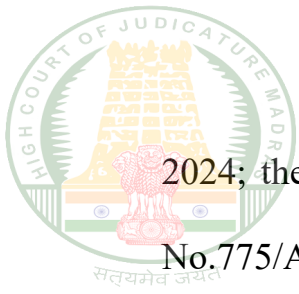
(iii) *Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

(iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

(v) *In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.*

7.The above guidelines have been followed by the Government of Tamil Nadu in G.O.Ms.No.286 dated 28.08.2018 (Finance and Pension Department).

8.Considering the fact that the petitioners fall under category (i) of the above guidelines, the order passed by the 2nd respondent in Pa.Mu.No. 257/2024 Na.Ka. No.775/Aa/2024-1, dated 29.07.2024 in W.P.No.24259 of



2024; the order passed by the 2nd respondent in Pa.Mu.No. 211/2024 Na.Ka. No.775/Aa/2024, dated 25.07.2024 in W.P.No.24262 of 2024; the order passed by the 2nd respondent in Pa.Aa.Koppu. 90/2024 Na.Ka.No. 251/AA1/2024 dated 25.07.2024 in W.P.No.24400 of 2024 are set aside. If any amount has already been recovered by the respondents, the same shall be refunded to the petitioners, within a period of one month from the date of receipt of a copy of this order.

9.With the above direction, these writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

02-07-2026

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

AH

To

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2. The District Officer,
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