

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

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

WP No. 28828 of 2026

AND

WMP NO. 31601 OF 2026

P.Seshadri

..Petitioner(s)

Vs

1. The Superintending Engineer (I /C)
Tamil Nadu power Distribution Corporation
Coimbatore EDC / North , Coimbatore 641
012

2. The Deputy chief Internal Audit officer
(Pension)
Tamil Nadu Power Distribution Corporation
Audit Branch, NPKRR Maaligai, I Floor,
144 Anna Salai, Chenani 600 002

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorari to call for the records pertaining to the proceedings in Lr. No Se / CEDC / N / CBE / Entt. / A3 / F. Audit / D. no 1642/ 2026 dated 11.06.2026 (signed on 15.6.2026) on the file of the 1st respondent and quash the same.

For Petitioner(s): Mr. R.Selvakumar

For Respondent(s): Mr.C.Ramkumar

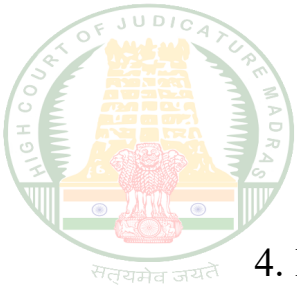


Order

The above Writ Petition has been filed challenging the recovery proceedings initiated by the 1st respondent against the petitioner.

2. The petitioner would submit that he joined the services of the respondent-Electricity Board on 05.12.1987 as a Tester. He was promoted upto the post of Assistant Executive Engineer. He superannuated on 31.10.2025. The petitioner would further submit that after retirement, he received his pension for the month of November 2025. Thereafter, he was not paid his pension. While so, on 18.06.2026, the petitioner was issued the impugned order dated 11.06.2026 by the 1st respondent stating that his salary had been revised with effect from 30.06.1997 and calling upon him to repay the excess payment received by him on various heads. Aggrieved by the said order, the petitioner has filed the present writ petition challenging the impugned proceedings.

3. It is the contention of the learned counsel for the petitioner that in the light of the judgment of Hon'ble Supreme Court in the case of State of Punjab vs. Rafiq Masih reported in *(2015) 4 SCC 334* popularly called as White Washer's Case, the recovery was per se illegal.



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4. Heard the learned counsel on either side and perused the materials available on record.

5. The entire case rests on whether the respondents have the authority to recover the money from the petitioner.

6. The petitioner has placed reliance on the White Washer's case, supra, where, the Hon'ble Supreme Court has set out the categories where the recovery by the employer would be impermissible in law in paragraph no.18 which would read as follows:

“18. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-



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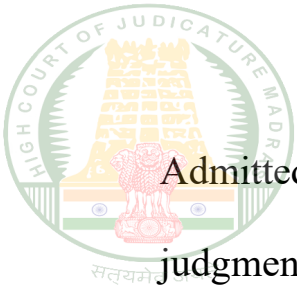
(i) Recovery from employees belonging to Class III and Class IV service (or Group 'C' and Group 'D' service).

(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."



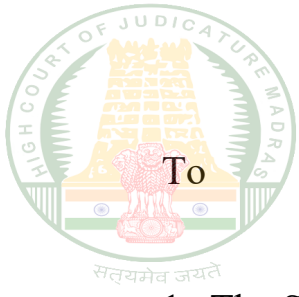
Admittedly, the petitioner falls within Paragraph 18(ii) of the aforesaid judgment. Therefore, the recovery proceedings initiated by the 3rd respondent are liable to be set aside.

7. Consequently, the impugned order is quashed and the writ petition is allowed. The amount, if already recovered, shall be refunded to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Insofar as the re-fixation of the scale of pay is concerned, the petitioner is directed to give representation within a period of two weeks from the date of receipt of a copy of the order and on such representation being made, the same shall be considered and ordered passed as expeditiously as possible but not later than three months. Consequently, connected miscellaneous petitions are closed. No costs. Consequently, connected miscellaneous petition stand closed.

27-07-2026

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

SRN



1. The Superintending Engineer (I /C)
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P.T.ASHA J.

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