

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

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

WP No. 29819 of 2024

and

WMP NO. 32519 OF 2024

G.Sundaramurthy,

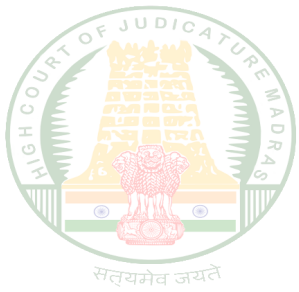
..Petitioner(s)

Vs

1. Director Of Municipal Administration,
M.R.C. Nagar, Chennai-28.
2. Director Of Town Panchayat,
M.R.C. Nagar, Chennai-28
3. Assistant Director Of Town Panchayat,
Vellore Region, Vellore-9
4. The Executive Officer,
Panapakkam Town Panchayat, Ranipettai
District.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus directing the respondents to call for the records on the file of the 4th respondent in his Pro. Na.Ka. No.354// 2017 dated 6.11.2017 and quash the same and consequently direct the 4th respondent to refund the recovered amount Rs.2,15,714/- to the petitioner.



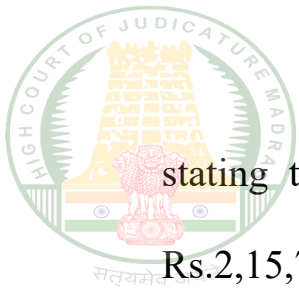
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For Petitioner(s): Mr.A.Baskaran

For Respondent(s): Mr.K.Sathish
Government Advocate**Order**

The above Writ Petition has been filed challenging the recovery proceedings initiated by the 4th respondent against the petitioner and seeking a consequential direction directing the respondents to refund the recovered amount.

2. The petitioner was working as an Over Water Tank Operator with the respondents. Subsequently, his service was brought into the regular scale with effect from 23.06.2006 as per G.O.Ms.No.60, Rural Development and Panchayat Department dated 23.06.2006. Thereafter, the Government, by G.O.Ms.No.338 Finance (PC) Department, dated 26.08.2010, revised the pay scale for the unskilled post as per the recommendation of the One Man Commission. The petitioner's pay was fixed at the scale of Rs.5,200–20,200 + G.P. 1900. To his shock and surprise, the petitioner was issued the impugned order dated 06.11.2017

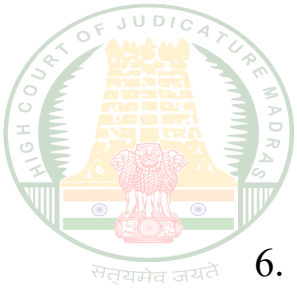


stating that his salary had been refixed and directing the recovery of Rs.2,15,714/- from his salary. Hence, he made a representation dated 05.10.2023 to respondents 3 and 4, which was received on 06.10.2023. Subsequently, the said representation was forwarded to the 4th respondent. Till date, there has been no response from the respondents. The petitioner submits that after rendering 32 years of unblemished service, he retired from service on 30.04.2020. Challenging the order dated 06.11.2017, the petitioner is before this Court.

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.

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.



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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:-

(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.



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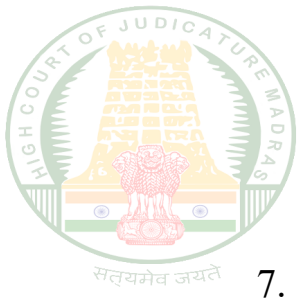


(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery. is issued.

(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 herein is a Class IV employee and falls within Paragraph 18(i) of the aforesaid judgment. Therefore, the recovery proceedings initiated by the 4th respondent are liable to be set aside.



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7. Consequently, the impugned order is quashed, and the amount, if already recovered, shall be refunded to the petitioner within a period of one month from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is allowed.
Consequently, connected miscellaneous petition stand closed. No costs

09-07-2026

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

SRN

To

1. The Director Of Municipal Administration,
M.R.C. Nagar, Chennai-28.
2. Director Of Town Panchayat,
M.R.C. Nagar, Chennai-28
3. Assistant Director Of Town Panchayat,
Vellore Region, Vellore-9
4. The Executive Officer,
Panapakkam Town Panchayat, Ranipettai District.



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P.T.ASHA J.

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