

W.P.(MD)Nos.1840 to 1843 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.02.2026

Pronounced on : 30.06.2026

CORAM

**THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

**W.P.(MD)Nos.1840 to 1843 of 2026**

**and**

**W.M.P.(MD)Nos.1453, 1456, 1459 and 1472 of 2026**

**W.P.(MD)No.1840 of 2026**

K.Tamilselvan

... Petitioner

versus

1. The Principal Accountant General  
of Tamil Nadu (A&E),  
Office of the Principal Accountant  
General (A&E),  
361, Anna Salai,  
Chennai – 600 018.

2. The Block Medical Officer,  
Government Primary Health Centre,  
Salaigramam,  
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,  
praying this Court to issue a Writ of Certiorarified Mandamus, to call for



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the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings in Na.Ka.No.1136/A1/2024 dated 22.05.2025 in respect of the alleged re-fixation and recovery of excess payment due to wrongful fixation of pay increment for the period from 01.08.2010 to 31.10.2024 amounting to Rs.3,56,369/- and to quash the same as illegal, arbitrary and in violation of the principles of natural justice and consequently, to direct the 2<sup>nd</sup> respondent to refund the sum of Rs.3,56,369/- with interest at the rate of 12% per annum to the petitioner within a time frame fixed by this Court.

**W.P.(MD)No.1841 of 2026**

GR.Saravanakumar

... Petitioner

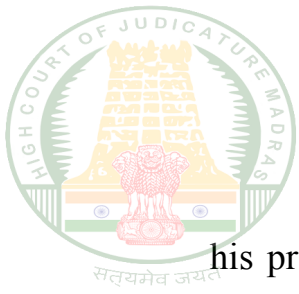
versus

1. The Principal Accountant General  
of Tamil Nadu (A&E),  
Office of the Principal Accountant  
General (A&E),  
361, Anna Salai,  
Chennai – 600 018.

2. The Block Medical Officer,  
Government Primary Health Centre,  
Alangayam,  
Thiruppathur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in



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his proceedings in R.No.77/2025/A1 dated 07.08.2025 in respect of the alleged re-fixation and recovery of excess payment due to wrongful fixation of pay increment for the period from 01.08.2010 to 31.07.2025 amounting to Rs.6,85,597/- and to quash the same as illegal, arbitrary and in violation of the principles of natural justice and consequently, to direct the 2<sup>nd</sup> respondent to refund the sum of Rs.6,85,597/- with interest at the rate of 12% per annum to the petitioner within a time frame fixed by this Court.

**W.P.(MD)No.1842 of 2026**

V.Arumugam

... Petitioner

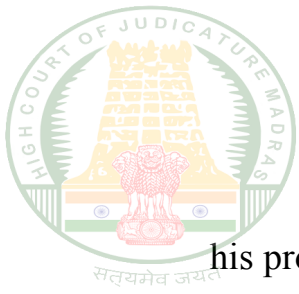
versus

1. The Principal Accountant General  
of Tamil Nadu (A&E),  
Office of the Principal Accountant  
General (A&E),  
361, Anna Salai,  
Chennai – 600 018.

2. The Block Medical Officer,  
Government Primary Health Centre,  
Mulanur Post,  
Tharapuram Taluk,  
Tiruppur District – 638 106.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in



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his proceedings in Mu.Mu.No.22/A1/2023 dated 15.05.2025 in respect of the alleged re-fixation and recovery of excess payment due to wrongful fixation of pay increment for the period from 01.08.2010 to 31.03.2025 amounting to Rs.3,53,497/- and to quash the same as illegal, arbitrary and in violation of the principles of natural justice and consequently, to direct the 2<sup>nd</sup> respondent to refund the sum of Rs.3,53,497/- with interest at the rate of 12% per annum to the petitioner within a time frame fixed by this Court.

**W.P.(MD)No.1843 of 2026**

B.Sundaram

... Petitioner

versus

1. The Principal Accountant General  
of Tamil Nadu (A&E),  
Office of the Principal Accountant  
General (A&E),  
361, Anna Salai,  
Chennai – 600 018.

2. The Block Medical Officer,  
Government Primary Health Centre,  
K.Keeranur – 624 616,  
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings in R.No.856/A1/2024 dated 26.08.2025 in respect of the



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alleged re-fixation and recovery of excess payment due to wrongful fixation of pay increment for the period from 01.08.2010 to 31.03.2025 amounting to Rs.6,11,355/- and to quash the same as illegal, arbitrary and in violation of the principles of natural justice and consequently, to direct the 2<sup>nd</sup> respondent to refund the sum of Rs.6,11,355/- with interest at the rate of 12% per annum to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan,  
in all W.Ps. Senior Counsel  
for Mr.D.Kirubakaran

For R1 in all : Mr.P.Gunasekaran,  
W.Ps. Standing Counsel

For R2 in W.P.(MD)  
Nos.1840 to : Mr.G.V.Vairam Santhosh,  
1842 of 2026 Additional Government Pleader

For R2 in W.P.(MD)  
No.1843 of 2026 : Mr.C.Venkatesh Kumar,  
Special Government Pleader

### **COMMON ORDER**

All these petitioners were appointed as Multipurpose Health Assistants in the Primary Health Centres and promoted as Health Inspectors Grade – II, Health Inspectors Grade-I and retired as Block Health Supervisors on various dates. The pension proposals of the petitioners sent by the second respondent to the first respondent were

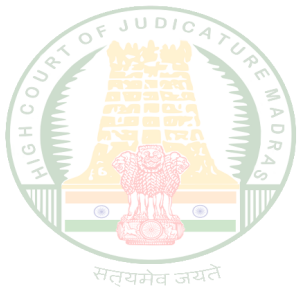


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returned, by pointing out certain discrepancies in fixation of pay that the

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Additional Fitment Table is applicable to the ordinary grade post only and not to the selection grade post. It was noted that the Additional Fitment Table was applied to the petitioners when they were holding the post of Selection Grade Health Inspector Grade-II itself. However, the same is applicable only after the date of their promotion as Health Inspector Grade-I. Therefore, it was recommended that the Additional Fitment Table should be applied to the pre-revised pay with effect from the date of their promotion as Health Inspector Grade-II and the fixation of pay may be rectified and revised. The first respondent has also suggested that the excess pay and allowances paid to the petitioners may be reviewed. As per the communication of the first respondent, the second respondent, by the impugned proceedings, revised and refixed the pay and the excess payments paid to the petitioners were calculated and deducted from DCRG amount of the petitioners. Aggrieved over the same, the petitioners have filed these writ petitions seeking refund of the deducted amounts.



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2.Since the issue involved in these writ petitions is similar, these writ petitions are taken up together and disposed of by way of this common order.

3.The only ground raised by the petitioners in all these writ petitions is that the recovery of excess pay from the gratuity benefits is illegal and against the principles laid down by the Hon'ble Supreme Court in the case of *State of Punjab and others vs. Rafiq Masih (Whitewasher) and others* [(2015) 4 SCC 334]. It is the common contention of the petitioners that the amount has been recovered at the time of retirement and the same is against the principles laid down by the Hon'ble Supreme Court. They also contend that even assuming that there was a fault in fixation of pay, this fault is on the part of the officials and not due to any misrepresentation or fraud committed on the part of the petitioners.

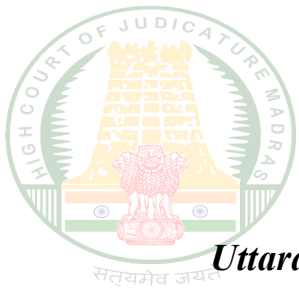
4.The learned Standing Counsel appearing for the first respondent/Accountant General and the learned Government Pleaders appearing for the second respondent submitted that there were some



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discrepancies in applying the Additional Fitment Table to the petitioners while they were serving in the cadre of Selection Grade Health Inspector Grade – II. The Additional Fitment Table is applicable to the ordinary grade post only and not to the Selection Grade post. However, inadvertently, the Additional Fitment Table was applied to the petitioners, when they were holding the post of Selection Grade Health Inspector Grade-II. The petitioners were promoted as Health Inspector Grade-I and only thereafter, they are entitled for the Additional Fitment Table as per the pre-revised pay. This defect has been pointed out by the first respondent and the pension proposals were returned to rectify and revise the excess payment made and to review the same. Accordingly, the second respondent, by the impugned proceedings, has revised and refixed the pay and the excess payments paid to the petitioners were calculated and deducted from DCRG of the petitioners.

5.The learned Standing Counsel appearing for the first respondent/Accountant General and the learned Government Pleaders appearing for the second respondent, referred to Judgments of the Hon'ble Supreme Court in *Chandi Prasad Uniyal and others vs. State of*



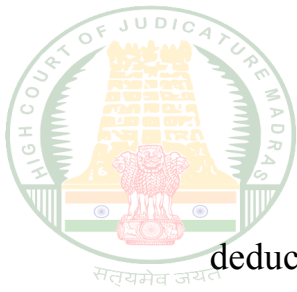
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***Uttarakhand and others [(2012) 8 SCC 417] and in High Court of Punjab and Haryana and others vs. Jagdev Singh [2016 Writ L.R.***

***1030]*** and submitted that any excess amount paid without the authority of law is liable to be recovered. They have also placed on record the undertaking given by the petitioners at the time of sending their pension proposals that if any amount has been paid in excess, it can be recovered.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7. All these petitioners, who were inducted as Multipurpose Health Assistants and thereafter, promoted as Health Inspectors Grade-II, Health Inspectors Grade-I and retired on superannuation as Block Health Supervisors. There was an error in applying the Additional Fitment Table to the petitioners when they were serving in the cadre of Health Inspectors Grade-II. This discrepancy has been pointed out by the first respondent when the pension proposals have been circulated by the second respondent. Based on the discrepancies pointed out by the first respondent, the second respondent has issued the impugned proceedings



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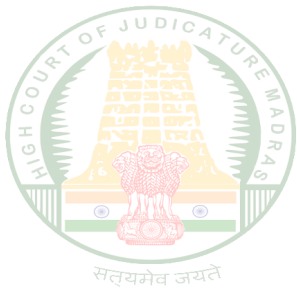
deducting the excess payment from DCRG amount of the petitioners.

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8.The petitioners have not taken the stand that they are entitled for the scale of pay as provided to them. The only ground raised by the petitioners is that the impugned order of recovery is illegal and against the principles laid down by the Hon'ble Supreme Court in the case of ***State of Punjab and others vs. Rafiq Masih (Whitewasher) and others*** [(2015) 4 SCC 334].

9.In ***Chandi Prasad Uniyal and others vs. State of Uttarakhand and others*** [(2012) 8 SCC 417], the Hon'ble Supreme Court held that any amount paid without the authority of law can always be recovered barring few exceptions of extreme hardships. The relevant portion is extracted as under for easy reference:

*“14. We are concerned with the excess payment of public money which is often described as “taxpayers' money” which belongs neither to the officers who have effected overpayment nor to the recipients. We fail to see why the concept of fraud or misrepresentation is being brought in in such situations. The question to be asked is whether excess money has been paid or not, may be due to a bona fide*



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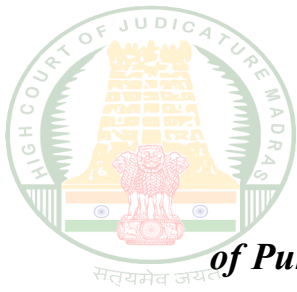
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*mistake. Possibly, effecting excess payment of public money by the government officers may be due to various reasons like negligence, carelessness, collusion, favouritism, etc. because money in such situation does not belong to the payer or the payee. Situations may also arise where both the payer and the payee are at fault, then the mistake is mutual. Payments are being effected in many situations without any authority of law and payments have been received by the recipients also without any authority of law. Any amount paid/received without the authority of law can always be recovered barring few exceptions of extreme hardships but not as a matter of right, in such situations law implies an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment.*

*15. We are, therefore, of the considered view that except few instances pointed out in Syed Abdul Qadir case and in Col.B.J.Akkara case, the excess payment made due to wrong/irregular pay fixation can always be recovered.”*

10.The Judgment of the Hon'ble Supreme Court in ***Chandi Prasad Uniyal's*** case has been referred to a three-Judge Bench that the view expressed in ***Chandi Prasad Uniyal's*** case is differing from the views expressed in ***Shyam Babu Verma v. Union of India [(1994) 2 SCC 521]*** and in ***Sahib Ram v. State of Haryana [1995 Supp (1) SCC 18]***. However, the three-judge Bench of the Hon'ble Supreme Court, in ***State***

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*of Punjab and others v. Rafiq masih (Whitewasher)[(2014) 8 SCC 883]*

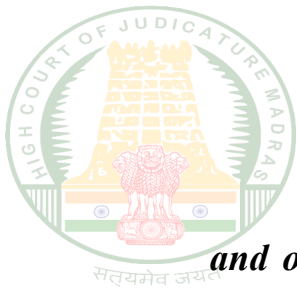
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held that the decision in **Chandi Prasad Uniyal's case** which was passed under Article 136 of the Constitution of India in laying down the law and the other two judgments are passed under Article 142 of the Constitution of India, on equity to the peculiar facts and circumstances of the case, which do not comprise the *ratio decidendi* and closed the reference as unnecessary and held as under:

*“13. Therefore, in our opinion, the decisions of the Court based on different scales of Article 136 and Article 142 of the Constitution of India cannot be best weighed on the same grounds of reasoning and thus in view of the aforesaid discussion, there is no conflict in the views expressed in the first two judgments (Shyam Babu Verma's case and Sahib Ram v. State of Haryana's case) and the latter judgment (Chandi Prasad Uniyal's case).*

*14. In that view of the above, we are of the considered opinion that reference was unnecessary. Therefore, without answering the reference, we send back the matters to the Division Bench for their appropriate disposal. Ordered accordingly.”*

11. Thereafter, the Hon'ble Supreme Court has illustrated certain instances wherein recovery would be impermissible in **State of Punjab**



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**and others vs. Rafiq Masih (Whitewasher) and others [(2015) 4 SCC**

**334]** and the petitioners have placed reliance on the same to contend that recovery is not permissible in their case. The relevant portion is extracted as under:

*“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 hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:*

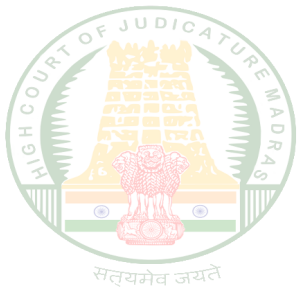
*(i) Recovery from the employees belonging to Class III and Class IV service (for Group C and Group D Service).*

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

*(iii) Recovery from the 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*



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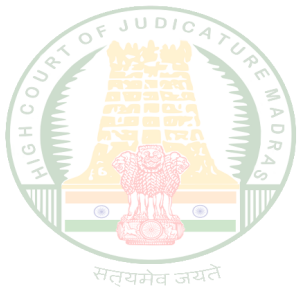


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*conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”*

12.It is the case of the petitioners that they are retired employees and hence fall under Category (ii) of the aforesaid judgment. They have taken the stand that the excess amount has been paid by mistake on the part of the officials and not on their misrepresentation and therefore, it cannot be recovered from them. However, the Hon'ble Supreme Court in ***High Court of Punjab & Haryana and others vs. Jagdev Singh [2016 Writ L.R. 1030]*** has clarified that the principle provided under Category (ii) would not be applicable in all circumstances and in cases where the employee concerned provides an undertaking that the excess payments can be recovered, then recovery is permitted from the concerned employee. The relevant portion is extracted as under:

*“11. The principle enunciated in proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be*



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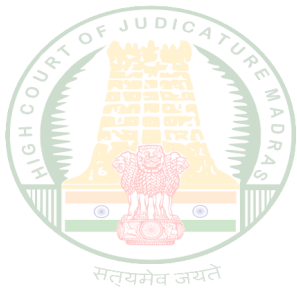
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*refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.*

*12. For these reasons, the judgment of the High Court which set aside the action for recovery is unsustainable. However, we are of the view that the recovery should be made in reasonable instalments. We direct that the recovery be made in equated monthly instalments spread over a period of two years."*

13. Further, a Division Bench of this Court, in a recent order dated 28.04.2026, passed in ***M.Kayambu vs. District Munsiff and others*** [***W.P.(MD)No.14802 of 2020***], has held as under:

*"9."Do not covet" is a upanishadic injunction. Our tradition mandates that we should not hold on to something to which we are not entitled. One can only retain the fruits of one's honest labour. Morality demanded that the petitioner on his own had informed the employer about the wrong fixation. But then, the petitioner chose to happily keep quiet. This was clearly immoral. The petitioner cannot plead ignorance. In writ jurisdiction, a considerable chunk of cases are service matters. Their volume was so high that Administrative Tribunals were constituted and conferred with exclusive jurisdiction. Section 114 of the Indian Evidence Act enables us to make presumptions regarding normal human conduct. Every Government employee is so particular about increments and*



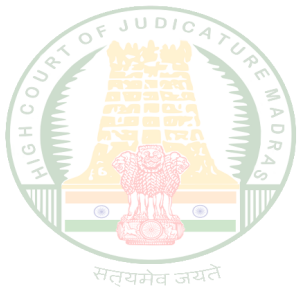
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*his pay. He will not keep quiet if he is given lesser pay. Only if the employee is so naïve, he would not have noticed that he had been paid in excess. In any event, we are not naïve to believe that the petitioner was so innocent as not to have found out that his pay had been wrongly fixed on the higher side.*

*10. We go to a shop. The shopkeeper by mistake gives excess amount as change. It is our duty to go back and return it to him. We are in the age of digital transactions. Sometimes by mistake, amounts could be wrongly credited to our account. It would be an offence if we appropriate them for our benefit. In such matters, even if the employee had not made any false representation or committed fraud, he would not be justified in retaining it. That is why, in Chandi Prasad Uniyal, it was remarked that they are irrelevant considerations. There could be situations when the employee might genuinely believe that he had been paid what he is entitled. Those cases would attract White Washer principles. But if a reasonable person can discover very easily that he has been paid in excess and he chooses to retain the benefit unjustly conferred on him, White Washer principles will not apply. The Hon'ble Supreme Court in almost all the decisions held that the rule against recovery is more an equitable rule and that the employee has no legal right as such. It is well settled that a person who seeks equity must do equity. The conduct of a person invoking writ jurisdiction must be free of any kind of blame. One whose hands are sullied is not entitled to any indulgence at the hands of this court.*



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*11.Since we have given a definite finding that the petitioner knew fully well that he had been paid in excess, we propose to apply the law laid down in Chandi Prasad Uniyal in the light of the three Judges Bench in the case of Syed Abdul Qadir v. State of Bihar. White Washer principles were laid down by a two Judges Bench. Chandi Prasad Uniyal is also by a two Judges Bench. It was endorsed by a Three Judges Bench in White Washer reference. Syed Abdul Qadir v. State of Bihar is by a Three Judges Bench. As already mentioned, the conduct of the petitioner cannot be lost sight of as he is invoking the discretionary jurisdiction of this Court.”*

14. There was an error in applying the Additional Fitment Table to the petitioners, while they were serving as Health Inspectors Grade-II. Though there may not be any misrepresentation on the part of the petitioners, they have kept quiet and have been paid with public money. Therefore, the excess payment received by them is liable to be recovered. Moreover, the petitioners have given undertaking that if any amount has been paid in excess, it can be recovered from them. Therefore, the case of the petitioners is covered under **Jagdev Singh's case** as cited supra and the petitioners are not entitled to retain the excess payment made to them. However, if the amount has not been recovered from the



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petitioners so far, the respondents shall recover the same in installments from the petitioners.

15. In the result, all the writ petitions are dismissed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

**30.06.2026**

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

To

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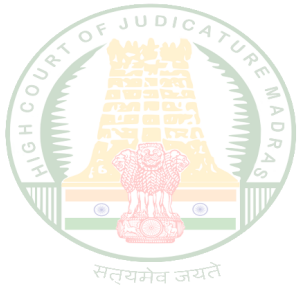
2. The Block Medical Officer,  
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**B.PUGALENDHI, J.**

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**Pre-delivery order made in**  
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**30.06.2026**