

WP(MD). No.18432 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.18432 of 2026
and WMP(MD)Nos.13651 and 13652 of 2026

Vincent Raja

... Petitioner

Vs.

1. The Director General of Police,
Chennai.

2. The Commandant,
Tamil Nadu Special Police,
TSP IX Battalion,
Manimutharu,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

PRAYER:-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to the impugned show cause notice issued by the 2nd respondent by his proceedings in B2/5294/2023 dated 22.06.2026 for cancelling and re-fixing of the petitioner's salary and quash the same.



WEB COPY



WP(MD). No.18432 of 2026

For Petitioner : Mr.G.Karnan

For Respondents : Mrs.K.Porkodi,
Government Pleader

ORDER

This writ petition has been filed challenging the Show Cause Notice dated 22.06.2026, whereby the petitioner was called upon to explain as to why his pay should not be re-fixed in accordance with law and the overpaid amounts should not be recovered from him.

2. It is not in dispute that the petitioner has already retired from service on 30.04.2026 on attaining the age of superannuation and he belongs to last grade service. If that be so, the question of recovering any amount from the terminal benefits of the petitioner does not arise in the light of law laid down by the Hon'ble Apex Court in **Rafiq Masih vs. State of Punjab** reported in (2015) 4 SCC 334.

3. Insofar as re-fixation is concerned, according to the learned counsel for the petitioner, even if pay of the petitioner is to be refixed at this stage, the same will have no effect, as the post, from which the



WP(MD). No.18432 of 2026

petitioner retired from service, is not a pensionable post. Hence, he submits that no purpose would be served by issuing the impugned Show Cause Notice. The learned counsel for the petitioner submits that the petitioner has submitted his explanation on 25.06.2026.

4. On the other hand, Mrs.K.Porkodi, the learned Government Pleader appearing for the respondents submits that the writ petition cannot be entertained against the Show Cause Notice and the same was issued by the competent authority and also the same is issued pursuant to the liberty granted by this Court while disposing the earlier writ petition in WP(MD)No.28093 of 2025.

5. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

6. From the perusal of the order dated 19.12.2025 passed by this Court in WP(MD)No.28093 of 2025, it is evident that the earlier re-fixation orders issued against the petitioner were challenged in the writ petition and this Court, while quashing the said orders on the



WP(MD). No.18432 of 2026

ground of violation of principles of natural justice granted liberty to the respondents to redo the entire exercise in accordance with law. It is only pursuant to the said order passed by this Court, the impugned Show Cause Notice has been issued and whether the impugned Show Cause Notice will have any effect on the terminal benefits payable to the petitioner or not cannot be gone into at this stage. No doubt, no recovery can be effected from the petitioner even if pay of the petitioner is refixed and earlier fixation was found to be wrong and the petitioner was overpaid while he was in service, in the light of the law laid down by the Hon'ble Apex Court in **Rafiq Masih's case**. Hence, the respondents will not venture to recover any amounts from the terminal benefits payable to the petitioner consequent upon the refixation of pay of the petitioner pursuant to the impugned Show Cause Notice.

7. In the light of the above, this Court is not inclined to interfere with the impugned Show Cause Notice at this stage. Accordingly, this writ petition is disposed of. Since the petitioner has already submitted his explanation on 25.06.2026, the second respondent shall pass orders thereon duly taking into consideration the explanation submitted by the



WP(MD). No.18432 of 2026

petitioner and the observations made herein above, especially, with regard to recovery, if any proposed. The second respondent is further directed to disburse the terminal benefits payable to the petitioner consequent upon his retirement from service on 30.04.2026. The abovesaid exercises shall be completed as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM



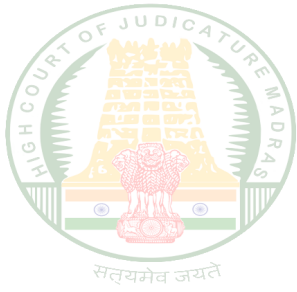
WEB COPY



WP(MD). No.18432 of 2026

To,
1. The Director General of Police,
Chennai.

2. The Commandant,
Tamil Nadu Special Police,
TSP IX Battalion,
Manimutharu,
Ambasamudram Taluk,
Tirunelveli District.



WEB COPY



WP(MD). No.18432 of 2026

MUMMINENI SUDHEER KUMAR,J

CM

WP(MD). No.18432 of 2026
and WMP(MD)Nos.13651 and 13652 of 2026

Date : 01/07/2026