

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.20373 of 2004
and
WP.MP.No.24505 of 2004

S.T.Govindan

...Petitioner

Vs

1. State of Tamil Nadu
through Secretary (Statistics Department),
Fort St.George, Chennai - 9.
 2. The Regional Joint Director,
Treasury Account Department,
19-A, Warns Road, Contonment,
Trichy.
 3. Treasury Officer,
Namakkal.
 4. The Manager,
State Bank of India,
Rasipuram, Namakkal District.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, or any other writ or order of similar nature calling for the records relating to the order passed by the 2nd respondent in Na.Ka.No.6037/03 dated 17.12.2003 along with the consequential letter of the 4th respondent dated 12.02.2004 and quash the same thereby forbearing the respondents from implementing the order of the 2nd respondent dated 17.12.2003 and the consequential letter of the 4th respondent dated 12.02.2004.

For Petitioner : Mr.A.R.Nixon

For Respondents: Mr.K.Rajendra Prasad, AGP
for R1 to R3

Mr.R.Kannan
for R4

O R D E R

The Hon'ble Apex Court in a decision reported in 2015 (4) SCC 334 in the case of State of Punjab and others vs Rafiq Masih (White Washter) and others, has held in Paragraph 18 Sub Clause 2 that recovery from retired employees is impermissible in law. In the present case, the recovery is sought to be made from the petitioner, who is a retired person. By applying the ratio laid down by the Hon'ble Apex Court in the aforesaid decision, the impugned order cannot be sustained.

2. Accordingly, the order of the 2nd respondent in Na.Ka.No.6037/03 dated 17.12.2003, is quashed and the present Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary (Statistics Department)
State of Tamil Nadu
Fort St.George, Chennai - 9.
2. The Regional Joint Director,
Treasury Account Department,
19-A, Warns Road, Contonment,
Trichy.
3. Treasury Officer,
Namakkal.
4. The Manager,
State Bank of India,
Rasipuram, Namakkal District.

+1 cc to Mr.A.R.Nixon, Advocate, S.R.No.14293

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SR(CO)
SSM(19/03/2019) .