



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.1077 of 2024
and
C.M.P(MD)No.8076 of 2024**

- 1.The Superintending Engineer,
Office of the Superintending Engineer,
TANGEDCO(Distribution),
Sivagangai District.
- 2.The Executive Engineer,
Office of the Executive Engineer,
TANGEDCO(Distribution),
Karaikudi,
Sivagangai District.
- 3.The Assistant Executive Engineer,
Office of the Executive Engineer,
TANGEDCO(Distribution),
Karaikudi,
Sivagangai District.

...Appellants/Respondents

.Vs.

D.Sukumaran

... Respondent/Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.20707 of 2022, dated 12.3.2024.

For Appellant : Mr.B.Ramanathan

For Respondent : Mr.S.Louis

JUDGMENT

(Order of the Court was made by **P.VELMURUGAN.,J**)

The Writ Appeal is directed against the order of this Court made in W.P(MD)No.20707 of 2022, dated 12.3.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Admittedly, the respondent is a class-IV employee. He was paid with payments on three occasions one is towards leave salary, other one is towards travelling allowance and another one is towards payment in excess from the year 1992 to 2007.



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4. The learned counsel for the appellants would submit that the respondent at the time of receiving the payment, has given an undertaking that in case, the amount on bill find that it is excess payment and undertakes to repay the said amount and therefore, the ingredients of *The State of Punjab and others .vs. Rafiq Masih(White Washer) reported in AIR 2015 SC 696* is not applicable to the facts of the present case. The learned counsel for the appellants, refer to the decision of the Honourable Supreme Court in *AIR 2016 Supreme Court 3523(Civil Appeal No.3500 of 2006) in the case of High Court of Punjab and Haryana and others .vs. Jagdev Singh* and reiterated the contention referring to the above said judgment. Admittedly, the respondent is a class-IV employee and also has received excess payment towards some official payments. Though the appellants say that it has been mistakenly paid, the matter squarely cover under the White Washer's case, as cited supra. The decision referred to by the learned counsel for the appellants is not applicable to the facts of the present case. Admittedly, at the time of receiving payment, the employee gave an undertaking letter to the appellants, which is only a xerox copy which does not contain any date and also the recital found in the said document shows that it is regarding some other payment. Therefore, in these circumstances, this Court is of the view



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that White Washer's case is applicable to the present case. Therefore there is no merit in the Writ Appeal and the same deserves to be dismissed.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
02.09.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn



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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

vsn

JUDGMENT MADE IN
W.A(MD)No.1077 of 2024
and
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