



W.A.(MD)No.1715 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

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CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.1715 of 2024

and

C.M.P.(MD)No.13191 of 2024

1.The District Educational Officer,
Tuticorin,
Tuticorin District.

2.The Block Educational Officer,
Karungulam,
Tuticorin District.

: Appellants

Vs.

Ramalatha

: Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order dated 10.01.2024 made in W.P.
(MD)No.1044 of 2021 and allow this Writ Appeal.

For Appellants : Mr.J.Ashok Kumar

Additional Government Pleader

For Respondent : Mr.A.Srinivasan



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JUDGMENT

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[Judgment of the Court was delivered by **M.S.RAMESH, J.**]

Challenge is made to the order of the learned Single Judge dated 10.01.2024 made in W.P.(MD)No.1044 of 2021.

2.On the ground that the respondent herein is not entitled for one incentive increment and therefore, when recovery was sought for the excess payments of the increment, the same came to be challenged by the respondent herein before the Writ Court in W.P.(MD)No.1044 of 2021 and the learned Single Judge of this Court through an order dated 10.01.2024, had allowed the said Writ Petition by holding that such a recovery of excess payment is impermissible, in view of the law laid down by the Hon'ble Supreme Court in the case of ***State of Punjab and Haryana Vs. Rafiq Mashi [White Washer]*** reported in (2015) 4 SCC 334.

3.Admittedly, the grievance of the writ petitioner was only with regard to the recovery proceedings and not with regard to the excess amount paid. Admittedly, the respondent herein is a Group – C employee and the incentive increment that was awarded to her relates back to the year 2013 and the recovery was sought for in the year 2020. The Hon'ble Supreme Court in ***White Washer***



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case has held that among other circumstances, recovery of the excess payments made owing to the mistake of the employer cannot be sustained in the case of Group – C employees, more so when the payment has been made five years before. As such, the order of the learned Single Judge is legally sustainable and hence, no interference is required.

4. Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

JUDGMENT MADE IN
W.A.(MD)No.1715 of 2024

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