



W.A.(MD)No.2263 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

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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.2263 of 2024

and

C.M.P.(MD)No.15811 of 2024

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.
- 2.The Director,
Directorate of School Education,
College Road,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
(Audit Section),
Madurai.
- 4.The District Elementary Educational Officer,
Pudukkottai.
- 5.The Assistant Elementary Educational Officer,
Viralimalai.

: Appellants

Vs.

P.Selvaraj

: Respondent



W.A.(MD)No.2263 of 2024

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 30.03.2023 in W.P.(MD)No. 3242 of 2016.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondent : Mr.G.Prabhu Rajadurai

JUDGMENT

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

Challenge is made to the order of the learned Single Judge dated 30.03.2023 in W.P.(MD)No.3242 of 2016.

2.The Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer)*** reported in ***(2015) 4 SCC 334***, has held that recovery of any excess payments made by the employer, which is not due to the misrepresentation of the employee and which is more than five years from the date of recovery, is impermissible in law. According to the appellants, the incentive increment was paid for the period between 28.12.2010 to 01.03.2014 and the recovery was sought to be made on 21.12.2015, which is more than five years. Thus, by applying the law laid down by the Hon'ble Supreme Court in ***White Washer's*** case, such recovery is impermissible.



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3.In the light of the above observation, we do not find any infirmity or illegality in the order of the learned Single Judge.

4.Accordingly, this Writ Appeal fails and the same is 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

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

MR

JUDGMENT MADE IN
W.A.(MD)No.2263 of 2024

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