



W.A.(MD).No.2335 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2335 of 2024
and
C.M.P.(MD).No.16109 of 2024

1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009. ... 1st Appellant/1st Respondent

2.The Headmaster,
T.A.S Government Higher Secondary School,
Meesalur – 626 003,
Virudhunagar District. ... 2nd Appellant/3rd Respondent

Vs.

1.P.Indra ... 1st Respondent/Writ Petitioner

2.The Regional Accounts Officer,
Office of the Regional Accounts Office,
School Education Department,
Madurai – 625 002. ... 2nd Respondent/2nd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 18.07.2023 in W.P.(MD).No.23664 of 2022 on the file of this Court.



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For Appellants : Mr.J.Ashok
Additional Government Pleader
For R-1 : Mr.S.Visvalingam

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order passed by the learned Single Judge in W.P.(MD).No.23664 of 2022 dated 18.07.2023.

2. The Hon'ble Supreme Court in the case of *State of Punjab and others Vs. Rafiq Masih (White Washer) and others* reported in (2015) 4 SCC 334, has held that recovery of any excess payment made owing to the mistake of the employer cannot be recovered from Group 'C' and 'D' employees.

3. The first respondent herein is a Physical Education Teacher falling under Group 'C' category. Wrong payment of incentive increment was cancelled in her case and recovery was sought to be made by the appellants, which order was under challenge before the learned Single Judge.



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4. In the Writ Petition, the learned Single Judge had upheld the cancellation of the excess payment of incentive increment. However, by placing reliance on the decision of the Hon'ble Supreme Court in *White Washer's* case, had quashed that portion of the order, insofar as it relates to recovery of excess payment. In view of the well laid down law on the aspect of recovery in *White Washer's* case, such a finding by the learned Single Judge cannot be found fault with.

5. Accordingly, there are no merits in the Writ Appeal and the same stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
11.11.2024

NCC : Yes / No
Index : Yes / No
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