



W.P.(MD)No.17738 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.17738 of 2017

and

W.M.P.(MD)No.14295 & 18283 of 2017

T.Veerasekaran

... Petitioner

/Vs./

1.The Chief Educational Officer,
Pudukkottai District.

2.The Headmaster,
Government Higher Secondary School,
Lakshminarasimmapuram,
Anavayal – 622 304,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No. 58/2017 dated 22.06.2017 and Quash the same and direct the respondents to allow the petitioner to continue to have the same benefit.



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For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The petitioner has challenged the impugned recovery order dated 22.06.2017 issued by the second respondent. The second respondent under the impugned recovery order, has contended that the incentive increments paid to the petitioner has been paid to him by mistake. Hence, they seek recovery of the said amount.

2. The payments made to the petitioner towards incentive increments pertain to the year 2000 and 2007. It is now well settled law that any recovery made for a period which is beyond five years is impermissible under law as per the decision rendered by the Hon'ble Supreme Court in *State of Punjab and others Vs. Rafiq Masih (White Washer)* reported in (2015) 4 SCC 334.



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3. The learned Counsel for the petitioner also brought to the notice of this Court G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 and in paragraph No.6 of the said Government Order, it is made clear that the increments for acquiring higher qualification already granted to Government servants need not be effected any recovery.

4. In the case on hand also, increments were paid to the petitioner during the period 2000 and 2007 for acquiring higher educational qualification. In view of the well settled law as laid down by the Hon'ble Supreme Court in the aforesaid decision and G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, the impugned order passed by the second respondent dated 22.06.2017 has to be quashed and the writ petition will have to be allowed.



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5. Accordingly, the impugned order dated 22.06.2017 passed by the second respondent is hereby quashed and the Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.17738 of 2017

Dated:
19.10.2024