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W.P.No.4141 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2025

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 4141 of 2022**  
**&**  
**W.M.P.Nos. 4274 & 4275 of 2022**

K. Ganesan

...Petitioner

Vs.

1.The Union of India  
Rep by the Director General  
Railway Protection Force  
New Delhi

2.The Security Commissioner  
Railway Protection Force  
Chennai Division, Southern Railway  
Chennai3

3.The Senior Divisional Security Commissioner  
Railway Protection Force  
Chennai Division, Southern Railway,  
Chennai – 3.

...Respondents

**Prayer:** Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the



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records of the 3<sup>rd</sup> respondent in connection with the impugned order passed by him vide No.M/XP/483/Bills/2021 dated 17.11.2021 and quash the same and direct the respondents to reimburse the recovery made from the salary of the petitioner from the month of November 2021.

For Petitioner : Mr. K.Venkataramani  
Senior Counsel  
For Mr. M.Muthappan

For Respondents : Mr. A.R.Sakthivel  
Senior Panel Counsel

### **ORDER**

The Writ Petition is filed for the following relief:

*“calling for the records of the 3<sup>rd</sup> respondent in connection with the impugned order passed by him vide No.M/XP/483/Bills/2021 dated 17.11.2021 and quash the same and direct the respondents to reimburse the recovery made from the salary of the petitioner from the month of November 2021”.*



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2. The petitioner was appointed as a Police Constable in the Railway Protection Force in the year 1991. In the year 2016, the petitioner was promoted as a Head Constable. The petitioner would submit that in the year 2021, on completion of 30 years of service the petitioner become entitled to get 3<sup>rd</sup> MACP with effect from 01.01.2021. The petitioner submits that he has been drawing a scale of pay of Rs.42,300/- as on 01.07.2021 taking into consideration the 7<sup>th</sup> pay commission recommendations. He would further submit that he has received a communication dated 17.11.2021, from the 3<sup>rd</sup> respondent stating that the petitioner's pay was wrongly fixed as Rs.8550/- instead of Rs.7920/- and an excess amount has been paid from January 2011 to May 2021. Therefore, the 3<sup>rd</sup> respondent ordered recovery of a sum of Rs.1,32,181/- from salary of the petitioner.

3. The petitioner would submit that he was in no way responsible for the excess payment for the period from January 2011 to May 2021. Therefore aggrieved, the petitioner is before this Court.



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4. Heard the learned counsels for the petitioner and the respondents.

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5. The issue of recovery was the subject matter of the Judgement of the State of *Punjab Vs. Rafiq Masih (White Washer) etc.*, reported in **2015 (4) SCC 334**. The Hon'ble supreme Court has held that the recovery cannot be done without issuing a show cause notice.

6. That apart, the Hon'ble Supreme Court had laid down five contingencies where recovery by the employers was impermissible in law. One of which was recovering excess payment made 5 years before the order of recovery was issued.

7. In the Judgement of this Court in WP.No.6401 of 2025, this Court had directed refund of the money already recovered within a period of 6 weeks from the date of receipt of the order with interest at 6% p.a.



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8. In the instant case also the impugned order directs that the sum of Rs.1,32,181/- should be recovered from the petitioner's salary and credited to the Government account.

9. In the light of the aforesaid Judgement of this Court, the amount which has been paid to the petitioner as early as in the year 2011 cannot be sought to be recovered. In case the amount has been recovered the same shall be refunded to the petitioner within a period of 2 months from the date of receipt of a copy of this order.

10. Accordingly, the Writ Petition is allowed directing refund of the amounts recovered and with reference to the other relief pertaining to re-fixation the petitioner is directed to give a representation on such representation been made, the same shall be considered. Consequently, the connected miscellaneous petitions are closed. No costs.

**02.12.2025**

Index : Yes/No  
Internet : Yes/No  
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To

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**P.T. ASHA, J**

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