



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05-08-2025

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THE HONOURABLE MR. JUSTICE K. SURENDER

WP NO. 21647 of 2016

AND

WMP Nos.18488 of 2016

P.Kesavan,
S/o.Pattabi, Formerly Special Grade Binder,
Government Press, Mint, Chennai-79.

Petitioner(s)

Vs

1.The Director of Stationary &
Printing, 110, Anna Salai, Chennai-2.

2. The Works Manager,
Government Centralised Press, Chennai-79.

3. The Senior Accounts Officer,
O/o.Principal Accountant-General (A&E), Tamil Nadu,
361, Anna Salai, Chennai-18.

4. The Pension Pay Officer,
Pension Pay Office, Chennai-6.

5. The Assistant General Manager,
State Bank of India, Centralised Pension Processing Centre,
Door no.4470, 112/4, Kaliamman Koil Street,
Virugambakkam, Chennai-71.

.....Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records in connection with the impugned orders passed by the 3rd respondent in Letter



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no.Pen12/I/11212258/Rev/14-15\ADK/172 dated 11.03.2016 and
Lr.No.Pen12/U No.1/PPO No.C303617/DW/11213444/15-16/422 dated
24.08.2015 and the order of the 5th respondent Revision/Recvy-78173 dated
07.12.2015 and quash the same.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Yashwanth for R1,2 & 4
Mrs.Hema Muralikrishnan for R3
Mr.K.Chandrasekaran for R5

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records in connection with the impugned orders passed by the 3rd respondent in Letter no.Pen12/I/11212258/Rev/14-15\ADK/172 dated 11.03.2016 and Lr.No.Pen12/U No.1/PPO No.C303617/DW/11213444/15-16/422 dated 24.08.2015 and the order of the 5th respondent Revision/Recvy-78173 dated 07.12.2015 and quash the same.

2. The petitioner is aggrieved by the impugned orders passed for recovery of excess amount of pension paid to him.



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3.The learned counsel for the respondents would submit that the petitioner is a Class "C" employee, who retired as Special Grade Binder and no recovery was effected, after the Writ Petition was filed.

4.The question of recovery of any excess amount paid from Class "C" employees does not arise in view of the judgment of the Hon'ble Supreme Court in the case of *State of Punjab and others Vs Rafiq masih (White Washer) and others*, 2015 (4) SCC 334. In **Paragraph No.18** of the aforesaid decision, the Hon'ble Supreme Court held as under:-

“18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

- i. Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).



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- ii. Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.
- iii. Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
- iv. Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
- v. In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”

(emphasis supplied)

5. In the light of the above decision, the petitioner succeeds and the impugned orders passed seeking recovery of amounts from the pensionary benefits of the petitioner, are liable to be quashed.



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6. Accordingly, the Writ Petition is allowed and the impugned orders passed by the 3rd respondent in Letter no.Pen12/I/11212258/Rev/14-15\ADK/172 dated 11.03.2016 and Lr.No.Pen12/U No.1/PPO No.C303617/DW/ 11213444/15-16/422 dated 24.08.2015 and the order of the 5th respondent in Revision/Recvy-78173 dated 07.12.2015 respectively, are hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

(K. SURENDER, J.)

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Index : Yes/No

Speaking order: Yes/No

To

1.The Director of Stationary & Printing, 110, Anna Salai, Chennai-2.

2. The Works Manager, Government Centralised Press, Chennai-79.

3. The Senior Accounts Officer, O/o.Principal Accountant-General (A&E), Tamil Nadu, 361, Anna Salai, Chennai-18.

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K. SURENDER, J

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