



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

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CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

W.P. No. 27198 of 2016

in

W.M.P.Nos.23347, 23348 and 23349 of 2016

1. E.Ramalingam

S/o.G.Ekambaram (Late), 2nd Cross
Street, Bazar Street, Thiruvathur Post,
Cheyyur TK, Kancheepuram District

Petitioner

Vs

1. The Commissioner

Lathur Block at Pavunjur, Kancheepuram
District

2.The District Collector

Kancheepuram, Kancheepuram District

3.The Director

Panchayat Raj Pension Sectio, 4th Floor,
Kuralagam, Chennai 108

4.The Director

Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai 15

5.The Principal Secretary to

Government, Rural Development and
Panchayat Raj Department, Chennai 9



6. The Government of Tamil Nadu
Rep by its Secretary, Rural Development
and Panchayat Raj Department, St. George
Fort, Chennai 9

Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus calling for the concerned record in his proceedings No. Ne. Mu. No. 009649/VOOS(5)/2015 (Order No. 27925/P) dt 29.5.2015 passed by the 3rd respondent herein and to quash the same and consequently direct the 3rd respondent Pay the amount deducted from the emoluments of retirement benefits of the petitioner to a tune of Rs.1,50,687/- (Rupees One Lakhs Fifty Thousand Six Hundred and Eighty Seven only).

For Petitioner(s):	No appearance
For R1:	Mr.K.Suresh Government Advocate
For R2 to R6:	Mr.R.U.Dinesh Rajkumar, Additional Government Pleader

ORDER

This writ petition has been filed to quash the proceedings No. Ne. Mu. No. 009649/VOOS(5)/2015 (Order No. 27925/P) dated 29.5.2015 passed by the 3rd respondent and consequently direct the 3rd respondent to pay the amount deducted from the emoluments of retirement benefits of the petitioner to



a tune of Rs.1,50,687/- (Rupees One Lakhs Fifty Thousand Six Hundred and Eighty Seven only).

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2. There is no representation on behalf of the petitioner.

3. The petitioner was appointed as a Sweeper -cum- Watchman by the first respondent on 26.06.1973 and thereafter, the petitioner was promoted as Office Assistant on 01.04.1979 and on attaining the age of superannuation on 31.05.2013, the petitioner retired from service. The audit objections have been raised regarding the promotion of the petitioner as an Office Assistant and therefore, impugned recovery to a tune of Rs.1,50,687/- was made by the third respondent. The recovery after retirement is not recognised in terms of the law settled by the Hon'ble Supreme Court of India in *State of Punjab & Ors Vs. Rafiq Masih (White Washer)*, AIR 2015 Supreme Court 696.

4. Therefore, this recovery of Rs.1,50,687/- from the Death cum Retirement Benefits (DCRG) of the petitioner cannot be justified. Considering the fact that the petitioner would be around 72 to 73 years as on the date of this



matter, the respondents are directed to release the funds immediately with statutory rate of interest within a period of 30 days from the date of receipt of a copy of this order. As far as re fixation of the pay is concerned, the respondents shall initiate such proceedings strictly in accordance with rules applicable for re fixation of the pay. If it is specified in the rules and such re fixation shall be made only after giving suitable notice to the petitioner. Pre fixation will be made prospective, subject to the powers vested to re fix the salary post retirement.

5. With these observations, this writ petition stands allowed.

Connected W.M.Ps are closed. Costs made easy.

25-04-2025

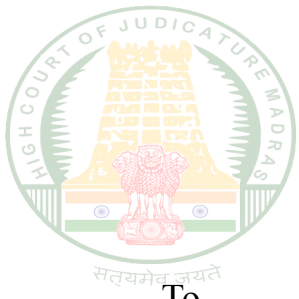
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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C.SARAVANAN J.
vca

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W.M.P.Nos.23347,23348 and
23349 of 2016

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