



WEB COPY



W.P No.22773 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Petition No.22773 of 2025

E.Kannan

... Petitioner

..Vs..

1.The Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai.

2.The Director,
Public Health and Preventive Medicine,
DMS Complex Teynampet,
Chennai 600 006.

3.Principal Accountant General of Tamil Nadu
Office of the Principal Accountant General
Accounts and Entitlements,
No.361, Anna Salai, Teynampet,
Chennai.

4.The Deputy Director of Health Services,
Now renamed as
District Health Officer, Cheyyar,
Thiruvannamalai.



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5.The Block Medical Officer,
Government Primary Health Centre,
Thellar 604406
Thiruvannamalai District.

6.The District Treasurer Officer,
Thiruvannamalai District.

7.The Sub Treasury Officer,
Vandavasi Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records in proceeding R.No.1836/E4/2024 dated 14.06.2025 on the file of the 4th respondent and consequential recovery order in proceeding Na.Ka.No.77/A1/2024 dated 19.11.2024 on the file of the 5th respondent, and quash the same and further direct the 5th respondent to grant refund of recovered amount to the tune of Rs.5,36,559/- on account of excess pay to the petitioner.

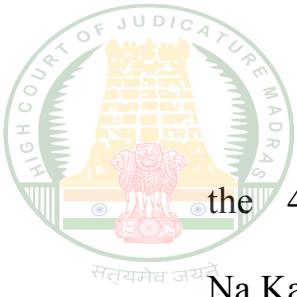
For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.K.Tippu Sultan,
Government Advocate for RR1, 2, 4 & 5

Mr.P.Mano Ranjan
Standing Counsel for Accountant General for R3

ORDER

The present writ petition has been filed with a prayer to quash the impugned proceeding in R.No.1836/E4/2024, dated 14.06.2025 on the file of



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the 4th respondent and consequential recovery order in proceeding Na.Ka.No.77/A1/2024 dated 19.11.2024, on the file of the 5th respondent.

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2. The learned counsel appearing on behalf of the petitioner would submit that though the petitioner has challenged the impugned order dated 14.06.2024 against the recovery and re-fixation of pay, as far as the re-fixation of pay is concerned, the learned counsel would fairly submit that the petitioner will not object the re-fixation of pay and his grievance is only against recovery. According to the learned counsel for the petitioner, the petitioner has voluntarily retired from service on 05.05.2024 and after his retirement, the impugned order of recovery was passed on 14.06.2024, on the premise that there was an excess payment, since 1999.

3. At this juncture, the submission of the learned counsel for the petitioner was strongly objected by the learned Government Advocate and would contend that whenever any re-fixation is made, the petitioner had agreed and undertook to pay the excess amount.



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4. In such view of the matter, clearly shows that the petitioner cannot have any grievance in the order of recovery.

5. I have given my anxious consideration on either side submission.

6. It is an admitted fact that the petitioner was retired, from service prior to the passing of the impugned order and it is further admitted fact that the alleged excess payment was made since 2006. It is also the further admitted fact that excess pay was not made upon the false representation or misrepresentation of the petitioner.

7. In view of the above admitted position, this Court is of the firm view that the facts of this case is squarely come within the ration of the ***State of Punjab and Others vs. Rafiq Masih (White Washer) and Others [(2015) 4 SCC 334]*** case.

8. In such view of the matter, this Court while confirming the re-fixation of pay, the recovery amount to the tune of Rs.5,36,559/- is ordered to be set



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aside. If in case, the amount has already been recovered from the petitioner, the respondents are directed to refund the same without interest within a period of three (3) months from the date of receipt of a copy of this order.

9. In the result, this Writ Petition is partly allowed as indicated above.

No costs.

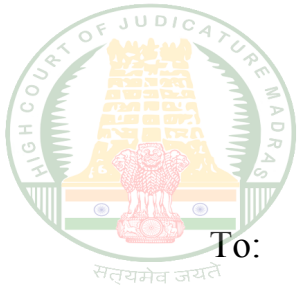
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Index : Yes

Speaking Order : Yes/No

Neutral Citation Case: Yes/No



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C. KUMARAPPAN, J.



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