



WEB COPY



W.P.No.32155 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.32155 of 2014
and M.P.Nos.1 & 2 of 2014

P.Sampath
S/o.Ponnusamy
277, Vinayagar Koil Street
Kuruvimalai, Kalakattur Post
Kancheepuram District

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary of Government
Handlooms, Handicrafts
Textiles and Khadi Department
Fort St. George
Chennai 600 009.

2.The Commissioner of Sericulture
Salem District, Salem 231 001

3.The Assistant Director of Sericulture
Vaniyambadi, Vellore District

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records connected with the impugned order of recovery passed by the 3rd respondent in Memo



W.P.No.32155 of 2014

No.4492/A/2011 dated 12.07.2013 based on the orders of the 1st Respondent in G.O.Ms.No.25, Handlooms, Handicrafts, Textiles and Khadi (G2) Department dated 23.02.2010 regularizing his service from the date of issue of G.O., and quash the same in so far as the petitioner concerned and consequently direct the 1st respondent to regularise the service of the petitioner from his date of initial appointment as in the case of his co-worker Mr.T.Manickam as per the judgment reported in 2009 (2) LLN page No.579.

For Petitioner : Mr.V.S.Jagadeesan
for M/s.R.Rengaramanujam

For Respondents : Mr.V.Jeevagiridharan (for R1 to R3)
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records connected with the impugned order of recovery passed by the 3rd respondent in Memo No.4492/A/2011 dated 12.07.2013 based on the orders of the 1st Respondent in G.O.Ms.No.25, Handlooms, Handicrafts, Textiles and Khadi (G2) Department dated 23.02.2010 regularizing his service from the date of issue of G.O., and quash the same in so far as the petitioner is concerned and consequently direct the 1st respondent to regularise the service of the petitioner from his date of



W.P.No.32155 of 2014

initial appointment as in the case of his co-worker Mr.T.Manickam as per the judgment reported in 2009 (2) LLN page No.579.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader and perused the available records.

3.As against the impugned order passed by the Assistant Director of Sericulture, Vaniyambadi, Vellore District, to recover the additional dearness allowance alleged to have been paid to the petitioner, while he was working as daily wages from 01.04.2004 to 31.08.2011, the present Writ Petition has been filed.

4.The learned counsel for the petitioner would contend that the petitioner was retired from service on 30.06.2010 and the impugned order is dated 12.07.2013. The learned Additional Government Pleader would submit all the dates and events in respect of this case.

5.In view of the judgment of the Hon'ble Supreme Court, in the case of *State of Punjab & Others vs. Rafiq Masih (White Washer)* reported in AIR 2015 SC 696, the excess payment wrongly made by the Department to the employees, after three years of retirement, is impermissible in law.

6.Learned counsel for the petitioner also seeks another relief, relying



W.P.No.32155 of 2014

upon the relief granted to the co-employee viz., Mr.T.Manickam by order dated 31.10.2008 in W.P.No.19926 of 2008.

7.Considering the entire fact of the case, this Court is of the opinion that the relief sought for the by the petitioner in respect seeking similar relief as granted W.P.No.19926 of 2008 dated 31.10.2028 to the co-employee Mr.T.Manickam is not one and the same and the therefore, the said prayer of the petitioner is hereby rejected.

8.Taking into consideration the facts and circumstance of the case, the impugned order of recovery passed by the 3rd respondent in Memo No.4492/A/2011 dated 12.07.2013 is hereby set aside with a direction to the respondents to settle the retirement and other benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

9.In fine, this Writ Petition is partly allowed to the limited extent indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai



W.P.No.32155 of 2014

WEB COPY

To

1.The Government of Tamil Nadu
Rep. by its Secretary of Government
Handlooms, Handicrafts
Textiles and Khadi Department
Fort St. George
Chennai 600 009.

2.The Commissioner of Sericulture
Salem District
Salem 231 001

3.The Assistant Director of Sericulture
Vaniyambadi
Vellore District



WEB COPY



W.P.No.32155 of 2014

RMT.TEEKAA RAMAN.J,

sai

W.P.No.32155 of 2014
and M.P.Nos.1 & 2 of 2014

Dated: 03.02.2025