



W.P.No.22239 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.22239 of 2025
and W.M.P.No.25016 of 2025

P.Mayil

... Petitioner

Vs.

1.Office of the Principal Accountant General (A&E),
TamilNadu,
No.361, Anna Salai,
Chennai-600 018

2.The Block Educational Officer,
Kammapuram,
Virudhachalam
Cuddalore-606 103

3.The Directorate of Elementary Education,
DPI Complex College Road,
Chennai-600006

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd Respondent in Na.Ka.No.505/A2/2024 dated 24.07.2024, quash the same and consequently direct the respondents to disburse the recovered amounts to the tune of Rs.7,29,226/- (Seven Lakhs Twenty Nine Thousand Two Hundred Twenty Six) to the credit of the Petitioner's account.



WEB COPY



W.P.No.22239 of 2025

For Petitioner	: Mr.S.Nirmal Aditya
For R1	: Mr.P.Mano Rajan Standing Counsel
For R2 and R3	: Mrs.Mythreye Chandru Special Government Pleader

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the records on the file of the 2nd respondent in Na.Ka.No.505/A2/2024, dated 24.07.2024, quash the same and consequently, direct the respondents to disburse the recovered amounts to the tune of Rs.7,29,226/- (Seven Lakhs Twenty Nine Thousand Two Hundred Twenty Six) to the credit of the Petitioner's account.

3. Heard the learned counsel for both sides and perused the materials available on record.

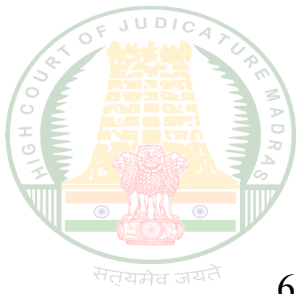


W.P.No.22239 of 2025

WEB COPY

4. The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as a Secondary Grade Teacher and after rendering 32 years of service, she applied for voluntary retirement and in pursuance thereof, she was permitted to retire on 31.05.2024. It is the submission of the petitioner that after her retirement, the impugned order dated 24.07.2024 was issued by the 2nd respondent for recovering a sum of Rs.7,29,226/-, as if there was an excess pay since 01.01.2006 beyond the entitlement of the petitioner. It is the submission of the petitioner that she is entitled for such payment.

5. Per contra, the learned Special Government Pleader appearing for the respondents 2 and 3 would vehemently object the contention of the petitioner and would submit that the re-fixation had been made in pursuance of the Accountant General's Instructions dated 26.06.2024 and apart from that, whenever there was a pay fixation, the petitioner has agreed to refund the same, if in the later point of time comes to the knowledge of the Government that there was an excess pay and apart from that, the fixation of pay comes within the expert domain, therefore, the petitioner cannot have any grievance in respect of the impugned order.



W.P.No.22239 of 2025

WEB COPY

6. I have given my anxious consideration to the submissions made on either side.

7. It is an admitted fact that the impugned order dated 24.07.2024 ordering recovery of a sum of Rs.7,29,226/- was issued subsequent to the retirement of the petitioner dated 31.05.2024 and furthermore, the alleged excess payment according to the respondents was since 01.01.2006, which is beyond the period of five years.

8. It is not the case of the respondents that the pay fixation was made on the misrepresentation of the petitioner or by submitting any false record. In such view of the matter, applying the judgment of the Hon'ble Supreme Court in *State of Punjab and others vs. Rafiq Masih (White Washer) and others*, reported in (2015) 4 SCC 334, this Court do not find any merits to sustain the recovery of a sum of Rs.7,29,226/-.

9. However, coming to the fixation of pay, as rightly contended by the learned Special Government Pleader that the same would come within the expert domain of the respondents for which the petitioner cannot have any



W.P.No.22239 of 2025

WEB COPY

grievance. Therefore, this Court is of the firm view that the impugned order dated 24.07.2024 passed by the 2nd respondent is set aside only to the extent of recovery of a sum of Rs.7,29,226/- by confirming the pay fixation.

10. The learned Special Government Pleader for the respondents 2 and 3 would submit that a sum of Rs.7,29,226/- has already been recovered. In view of the same, the respondents are directed to refund the above amount to the petitioner, without any interest, within a period of twelve weeks from the date of receipt of copy of this order.

11. With the above direction, the Writ Petition is partly allowed. No costs. Consequently, the connected writ miscellaneous petition is closed.

24.06.2025

dm

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



W.P.No.22239 of 2025

To

WEB COPY

- 1.The Principal Accountant General (A&E),
TamilNadu,
No.361, Anna Salai,
Chennai-600 018
- 2.The Block Educational Officer,
Kammapuram,
Virudhachalam
Cuddalore-606 103
- 3.The Directorate of Elementary Education,
DPI Complex College Road,
Chennai-600006



WEB COPY



W.P.No.22239 of 2025

C.KUMARAPPAN, J.

dm

W.P.No.22239 of 2025

24.06.2025