



WEB COPY

WP No. 22533 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 22533 of 2025

AND

WMP NO. 25354 OF 2025

1. G.Ravichandran
S/o. Govindarajan,
Sub Inspector Of Police (Retired)
S.I No.792,
Plot No.14, Ashok Green City,
Keerapalayam, Chengalpattu-600 127.

Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. By Its Additional Chief Secretary
To The Government,
Home (police) Department,
Fort St. George, Chennai-600 009.

2.The Principal Accountant General
(A&E)
Tamil Nadu, Teynampet, Chennai.

3.The Director General Of Police
(L And O)
(Head Of Police Force), Office Of The
Director General Of Police, Mylapore,
Chennai-600 004.



4. The Commissioner Of Police
Vepery, Chennai.

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5. The Joint Commissioner Of Police
Traffic Zone (South), Chennai.

Respondent(s)

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 pursuant to the impugned order issued by the 5th respondent in proceedings Rc.No.Tr./Payfix/59/2399/2024 T.Z.O.NO.761/2024 dated 18.10.2024 and quash the same and to consequently direct the respondents 1 to 5 (i) to restore the pay of the petitioner on par with his batch mate Illamaran 16020 and to accordingly refix his last drawn pay (ii), to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.3,94,694/-.

For Petitioner(s): M/s. V.Lakshmi Narayanan

For Respondent(s): M/s. G. Nanmaran Spl GP

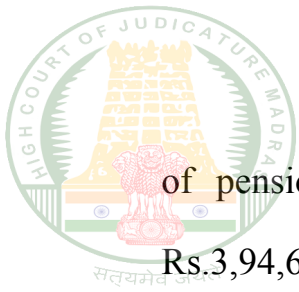
For R1, R3 To R5.

M/s. P. Mono Rajan

St Counsel For R2.

ORDER

The instant writ petition is filed to to call for the records in pursuant to the impugned order issued by the 5th respondent in proceedings Rc.No.Tr./Payfix/59/2399/2024 T.Z.O.NO.761/2024 dated 18.10.2024 and quash the same and to consequently direct the respondents 1 to 5 (i) to restore the pay of the petitioner on par with his batch mate Illamaran 16020 and to accordingly refix his last drawn pay (ii), to refix his pension and pay the arrears



of pension and (iii) to repay to the petitioner the recovered amount of Rs.3,94,694/-.

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2. Heard Mr.V.Lakshmi Narayanan, learned counsel for the petitioner, Mr.G.Nanmaran, learned Special Government Pleader appearing for the respondents 1, 3 to 5 and Mr.P.Manorajan, learned Standing Counsel for the 2nd respondent.

3. The learned counsel for the petitioner would submit that the instant impugned order was passed on 18.10.2024 after the petitioner's retirement dated 29.02.2024. It is his further submission that the excess amount was ordered to be recovered against the petitioner is Rs.3,94,694/-, and such amount has been paid since 2013. The learned counsel would further submit that the petitioner retired from service as Sub Inspector of Police, therefore, any recovery order would cause a great impact upon his livelihood. Hence, prayed to interfere with the same. At the same time, the learned counsel would fairly submit that they do not have any objection in respect of refixation of pay.

4. At this juncture, learned Special Government Pleader would strongly object the above contention and would contend that as and when the pay of the petitioner is refixed, they undertook to repay the excess amount at a later point of time. Furthermore, the impugned order has been passed based upon the letter from the AG's office. Therefore, the petitioner cannot have any grievance against the impugned order.

5. I have given my anxious consideration to either side submissions.



6. While looking at the facts of the case, admittedly, the impugned order was issued subsequent to the retirement of the petitioner, and that the amount ordered to be recovered commences from 2013, which is beyond 5 years period. It is not the case of the respondent that the above amount was paid on the misrepresentation of the petitioner. In such view of the matter, for the facts of the instant case the judgment of the Hon'ble Supreme Court in ***State of Punjab and Ors Vs. Rafiq Masih (White Washer) etc.***, reported in ***AIR 2015 SC 696*** is squarely applicable. Therefore, this Court finds force in the submission of the petitioner and the impugned order dated 18.10.2024 is liable to be set aside to the extent of recovery. However, as rightly accepted by the learned Counsel for the petitioner, the refixation is confirmed.

7. In the result, this writ petition is partly allowed to the extent of recovery. At this juncture, the learned counsel for the petitioner would submit the amount of Rs.3,94,694/- has already been recovered from him. Hence, the respondents are directed to refund the same within a period of three (3) months without interest. No costs. Consequently, connected WMP is also closed.

30-06-2025

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Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No



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