



WEB COPY

W.P.No.24066 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K. SURENDER**

Writ Petition No. 24066 of 2025

M.Devendiran

.. Petitioner

Vs.

1.The Registrar General,
The Hon'ble High Court of Madras,
High Court Building,
Chennai – 600 104.

2.The Principal District Judge,
Villupuram District Court,
Villupuram.

3.The Sub-Judge,
Gingee Subordinate Court,
Villupuram District.

4.The Sub-Treasury Officer,
Gingee Sub-Treasury Office,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned proceedings in D.No.824/2024 dated



13.05.2024 passed by the 3rd respondent and quash the same in so far as recovery of excess pay and allowances of Rs.1,58,931/- for the period from 01.10.1998 to 30.04.2024 from the petitioner's payment of Death Cum Retirement Gratuity is concerned, consequently direct the respondents remit back the recovered amount of Rs.1,58,931/- to the petitioner within a time that may be fixed by this Court.

For Petitioner : Mr.G.Balamanikandan

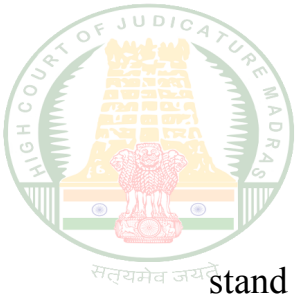
For Respondents : Mr.CR.Malarvannan for R1 to R3

Mr.P.Ananda Kumar,
Government Advocate for R4

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

The order of recovery dated 13.05.2024 is under challenge. Admittedly, the petitioner is a group - D employee and he has also retired on 30.04.2024. The recovery order has been issued on 13.05.2024 after his retirement. This order is in violation of the judgment of the Hon'ble Supreme Court in ***State of Punjab and Others Vs. Rafiq Masih (White Washer's case)*** reported in ***AIR 2015 SC 696***.



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2. Hence, this Writ Petition is **allowed**. The order of recovery will stand set aside and the order of re-fixation alone is sustained. Any amount recovered pursuant to the order of recovery shall be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (K. SURENDER, J.)
03.07.2025

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order



To

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