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W.A.No.2991 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.A.No.2991 of 2025
and
C.M.P.No.24121 of 2025**

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.
2. The Director of School Education,
College Road,
Chennai - 6.
3. The Joint Director of School Education,
College Road,
Chennai - 6.
4. The Chief Educational Officer,
Villupuram.
5. The District Educational Officer (Elementary),
Villupuram.
6. The District Treasury Officer,
Villupuram.

... Appellants

-Vs-

N.R.Ramesh

... Respondent



W.A.No.2991 of 2025

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 08.01.2025 in W.P.No.38054 of 2024.

For Appellants : Mr.S.Yashwanth
Additional Government Pleader

For Respondent : Mr.R.D.Ashok Kumar
for Mr.S.N.Ravichandran

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 08.01.2025 made in W.P.No.38054 of 2024.

2. The respondent was the writ petitioner, who after having served for 38 years, retired from service on attaining superannuation on 31.08.2023 from the appellant Department.

3. On his retirement, his retirement benefits have not been paid by citing the reasons that, on 31.08.2023 itself, an order has been passed by proceeding of the Joint Director of School Education, Chennai, who is one of the appellants herein stating that, the employee was permitted to retire from service under FR 56 on reaching the date of superannuation on the afternoon on 31.08.2023



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subject to the condition "on account of the date of regularization of his services in the category of upgraded superintendent having been pushed back to a later date from an earlier date excess of pay drawn by him shall be recovered from DCRG".

4. Insofar as this condition which has been put in by the third appellant vide his proceedings dated 31.08.2023 is concerned, even though it has not been expressly challenged by the respondent / writ petitioner, which is one of the grounds mainly projected by the learned Additional Government Pleader appearing for the appellants herein, the writ Court has considered these aspects in the order impugned dated 08.01.2025.

5. The writ Court has also held that, if at all any excess payment has been made because of the decision taken to push back his upgradation of Superintendent Post to a later date, that kind of excess payment if at all had been paid cannot be attributable as the mistake of the employee but it would be the mistake of the employer.

6. If these kind of situations are faced by any retired employee on superannuation, how it should be dealt with, whether such a recovery would be made possible against such retired employee has already been dealt with by the



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Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq***

Masih (White Washer) and others reported in ***(2015) 4 SCC 334***, where what are all the situations under which such kind of recovery would become impermissible have been made clear.

7. Since the law having been declared by the Hon'ble Supreme Court is being followed in number of such kind of service matters as many number of orders have been passed by this Court also at various occasions, in the present case also, the learned Judge in the order impugned dated 08.01.2025 following the said case, i.e., ***White Washer's case*** cited *supra* allowed the said writ petition, we do not find any error in the said approach and the conclusion reached by the writ Court through the impugned order.

8. However, we are inclined to give one modification in the order impugned where 12% interest as sought for by the writ petitioner was allowed. Though 12% interest has been sought for by the writ petitioner, the learned Judge has allowed the writ petition with a direction to pay DCRG only with applicable interest. If the applicable interest is of any lesser percentage, only to that extent, the respondent / writ petitioner would be entitled to get interest.



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9. With such clarification and modification, the order impugned is sustained. Resultantly, this Writ Appeal fails and hence, it is dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (S.S., J.)
25.10.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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