



W.A.No.2708 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2708 of 2025
and
C.M.P.No.21791 of 2025

1. The Principal Secretary to Government
Finance (Pay Cell) Department,
Secretariat,
Chennai - 600 009.
2. The Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture Farmers Welfare Department,
Secretariat,
Chennai - 600 009.
3. The Additional Director of Agriculture,
Office of Director of Agriculture,
Chennai - 600 005.
4. The Director,
Department of Agricultural Marketing
and Agribusiness,
Guindy,



W.A.No.2708 of 2025

... Appellants

WEB COPY

-Vs-

Thiru.J.Sheik Mydeen

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 13.02.2025 in W.P.No.905 of 2024.

For Appellants : Mr.E.Vijay Anand
Additional Government Pleader
For Respondents : Mr.N.Kumar Rajan

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 13.02.2025 made in W.P.No.905 of 2024.

2. That the respondent / writ petitioner was selected and appointed under Group-IV category by order dated 14.12.2012 allotting in the judicial Department. Subsequently by communication dated 26.03.2013, the writ



W.A.No.2708 of 2025

petitioner was informed since more number of candidates allotted to the District

Court at Dindigul, it necessitated to make re-allotment to agricultural

Department, accordingly further communication dated 12.04.2013 was issued

and he was directed to join duty on or before 30.04.2013, he also joined on

29.04.2013 and on joining the duty, pay has been fixed at Rs.8,060/- in the pay

scale of Rs.5,200 - Rs.22,100 with Grade Pay of Rs.2,400/-. This was effective

from the date of joining, i.e, 29.04.2013. Thereafter, the respondent / writ

petitioner was also granted higher start of pay at two stages above the minimum

scale in accordance with G.O.(Ms)No.321, Finance (Pay Cell) Department,

dated 02.07.1988.

3. However by subsequent communication, it is the stand of the fourth appellant herein that, the pay was fixed to the respondent / writ petitioner at the initial stage was wrongly made, as the said pay would be applicable only provided if the respondent / writ petitioner joined duty on 01.04.2013 since he admittedly joined only on 29.04.2013, the excess amount paid based on the pay fixation amount to the respondent / writ petitioner since has to be recovered,



W.A.No.2708 of 2025

that recovery was proceeded, as against which only, the respondent / writ

petitioner had approached the writ Court.

4. The writ Court apart from following the earlier order passed in the writ petition, i.e., ***W.P(MD)No.11945 of 2014*** in the matter of ***M.Praveena Vs. The Secretary to Government, Finance (Pay Cell) Department, Secretariat, Chennai and others dated 11.08.2022*** also following the dictum of the Hon'ble Supreme Court reported in ***(2014) 8 SCC 883*** in the matter of ***State of Punjab and others Vs.Rafiq Masih (White Washer) and others***. Accordingly, the writ Court allowed the said writ petition through the order impugned dated 13.02.2025.

5. Heard Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the appellants who would submit that, since the learned Judge relied upon the decision of the learned Single Judge in W.P.(MD)No.11945 of 2014 in ***M.Praveena's case*** cited *supra*, against which the appeal has been filed where the order of the learned Single Judge has been confirmed by order of the



W.A.No.2708 of 2025

Division Bench in W.A.(MD)No.51 of 2025 dated 25.06.2025.

WEB COPY

6. This position also has been brought to our notice by Mr.N.Kumar Rajan, learned counsel appearing for the respondent / writ petitioner

7. We have gone through the order impugned as well as the aforestated developments. That apart, since the learned Judge in the impugned order has followed the dictum of the Hon'ble Supreme Court in *White Washer's case* cited *supra*, where what are all the situations under which the recovery is impermissible in law since has been stated and one such situation is that, if the employee is a Group-C or Group-D employee, such recovery may not be possible. Here admittedly the respondent / writ petitioner since being Group-C employee, the recovery would not be possible or it is impermissible in view of the law declared by the Hon'ble Supreme Court in *White Washers case*.

8. That apart, the order passed by the learned Single Judge in



W.A.No.2708 of 2025

W.P.(MD)No.11945 of 2014 in the similar circumstances since has been

unsuccessfully appealed by the appellant State in W.A.(MD).No.51 of 2025 as

the same was dismissed on 25.06.2025 by confirming the order passed by the

writ Court, we have no hesitation to hold that, the impugned order is to be

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.) (H.C., J.)
15.09.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



WEB COPY



W.A.No.2708 of 2025

R.SURESH KUMAR, J.

and

HEMANT CHANDANGOUDAR, J.

vji

W.A.No.2708 of 2025

and

C.M.P.No.21791 of 2025



WEB COPY



W.A.No.2708 of 2025

15.09.2025