



WEB COPY



W.P.No.31418 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.31418 of 2025 and
W.M.P.No.35158 of 2025

M.Balraj

...Petitioner

Vs.

1. The Commissioner of Police
O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Deputy Commissioner of Police
O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.

3. The Principal Accountant General (A&E),
Tamil Nadu, Teynampet,
Chennai - 600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the impugned order passed by the 2nd Respondent in his proceeding R.C.No.PF2(1)/230/43008/2022, CPO No.1916/2022 dated 06.07.2022 and quash the same and consequently direct the respondents to refund the recovered amount of Rs.1,02,246/- (Rupees One Lakh Two Thousand Two Hundred and Forty Six only) together with interest at the rate of 24% per annum from 01.06.2022 till the date of realization.



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For Petitioner : Mr.K.Raja
For R1 &R2 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
For R3 : Mr.P.Mano Rajan

ORDER

The writ petition is filed for the relief herein below set out:

calling for the impugned order passed by the 2nd Respondent in his proceeding R.C.No.PF2(1)/230/43008/2022, CPO No.1916/2022 dated 06.07.2022 and quash the same and consequently direct the respondents to refund the recovered amount of Rs.1,02,246/- (Rupees One Lakh Two Thousand Two Hundred and Forty Six only) together with interest at the rate of 24% per annum from 01.06.2022 till the date of realization.

2. The brief facts which has culminated in the filing of this writ petition are set out below:

2.1. The petitioner was initially appointed as Police Constable Grade-II on 27.02.1986. He was thereafter promoted as Police Constable Grade-I on 01.03.1996, as Head Constable on 01.03.2001, as Special Sub-Inspector on 01.03.2011 and as Sub Inspector in the year 2017, in which post he continued till he attained superannuation on 31.05.2022. At the time of retirement, the



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2nd respondent had passed the impugned order dated 06.07.2022 to recover a sum of Rs.1,02,246/-. Prior to the recovery, the petitioner was not put on notice as to why recovery had taken place. Therefore, the petitioner has come forward with the Writ Petition.

3. Heard the learned counsels on either side and perused the records.

4. A mere perusal of the impugned order clearly shows that no notice has been given to the petitioner before initiating the recovery. There is also no clarity as to the basis on which the same has been ordered. Therefore, the impugned order is quashed and the matter is remitted back to the 2nd respondent for fresh consideration after issuing notice to the petitioner and hearing his objections. Since the recovery is for the period 2008, the said exercise shall be completed within a period of one month from the date of receipt of a copy of this order. The 2nd respondent is directed to issue notice to the petitioner to hear his objection and thereafter to proceed orders.



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5. With the above observations, this Writ Petition is allowed.

Consequently, connected miscellaneous petition is closed. No Costs.

22.08.2025

Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

1. The Commissioner of Police

O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Deputy Commissioner of Police

O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.

3. The Principal Accountant General (A&E),

Tamil Nadu, Teynampet,
Chennai - 600 018.



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