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W.P.No.32084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32084 of 2025

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W.M.P.No. 35968 of 2025

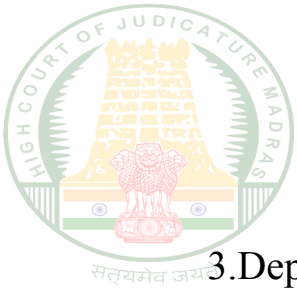
N.Krishnamoorthy

...Petitioner

Vs.

1.The Commissioner of Police
O/o.The Commissioner of Police,
No.123, EVK Sampath Road, Vepery,
Park town,
Chennai-600 007.

2.The Joint Commissioner of Police
O/o.The Joint Commissioner of Police,
Traffic Zone Office (South),
Vepery, Chennai-600 007.



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3. Deputy Commissioner of Police
Head Quarters, Vepery,
Chennai - 600 007.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Ceriorarified Mandamus, calling for the records of proceedings of the second respondent issued in second respondent in RC. No.Tr/ Pay Fix 186 / 6843/ 2025/ T.Z.O. No.364/ 2025 dated 12.05.2025 and quash the same with the consequential direction directing the respondents to refund the recovery amount of Rs.2,73,319/- with interest at the rate of 6 percent to the petitioner and as per orders of this Court made in W.P. No.8920 of 2023 dated 20.06.2023.

For Petitioner : Mr. V.Ravikumar

For Respondents : Mr. R.U.Dinesh Raj Kumar
Additional Government Pleader.



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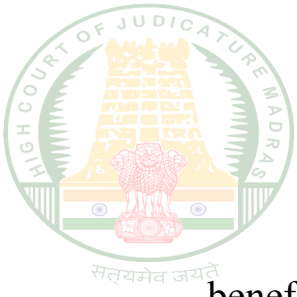
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ORDER

The Writ Petition is filed for the following relief:

“calling for the records of proceedings of the second respondent issued in second respondent in RC. No.Tr/ Pay Fix 186 / 6843/ 2025/ T.Z.O. No.364/ 2025 dated 12.05.2025 and quash the same with the consequential direction directing the respondents to refund the recovery amount of Rs.2,73,319/- with interest at the rate of 6 percent to the petitioner and as per orders of this Court made in W.P. No.8920 of 2023 dated 20.06.2023”.

2. The petitioner was appointed as a Grade II Police Constable on 27.02.1986. He was promoted as a Grade I Police Constable in the year 1996. In the year 2001, the petitioner was promoted as Head Constable. On 31.03.2025, the petitioner was retired from service as a Sub Inspector of Police.



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3. The petitioner would submit that he was not paid any terminal benefits and to his shock and surprise, the 2nd respondent issued an impugned proceeding dated 12.05.2025 ordering recovery of a sum of Rs.2,73,319/- from the petitioner, by reducing his scale of pay with effect from 01.01.2017, from Rs.57,400/- to Rs.55,700/-.

4. The petitioner would submit that his pay was calculated and fixed by the Ministerial Staff of the respondent and he is not responsible for the alleged excess payment made to the petitioner. Challenging the said order, the petitioner is before this Court.

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

6. The Hon'ble Supreme Court in the Judgement reported in **2015 4 SCC 334 State of Punjab & Ors vs. Rafiq Masih (White Washer) and others** had laid down certain guidelines for recovery by the employers and had given the contingencies where recovery is



impermissible and the same would read as follows:-

(i) Recovery from employees belonging to Class III and Class IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable



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balance of the employer's right to recover.

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7. The above guidelines have been followed by the Government of Tamil Nadu in GO.Ms.No.286 dated 28.08.2018 (Finance and Pension Department)

8. In the instant case, the petitioner has been retired from the service on 31.03.2025 and the impugned order came to be passed on 12.05.2025.

9. Considering the above, the Writ Petition is partly allowed as follows:-

(i) The order directing recovery of the excess amount is set aside and any amount already recovered shall be refunded to the petitioner within a period of 1 month from the date of receipt of a copy of this order.

(ii) The order dated 12.05.2025 passed by the 2nd respondent reducing the petitioner's salary from Rs.57,400/- to Rs.55,700/- is set aside and the matter is remitted back to the 2nd respondent for fresh



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consideration. The 2nd respondent is directed to re-fix the salary of the petitioner after taking into consideration the petitioner's case, within a period of 2 months from the date of receipt of a copy of this order.

10. Consequently, the connected miscellaneous petition is closed.

No costs.

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Index : Yes/No
Internet : Yes/No
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To

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O/o.The Commissioner of Police,

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