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W.P.No.32005 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32005 of 2025
&
W.M.P.No. 35854 of 2025

N.Manimaran

...Petitioner

VS.

1.The State of Tamil Nadu
Rep. by its Additional,
Chief Secretary to the Government,
Home (Police) Department,
Fort st. George,
Chennai-600 009.

2.The Principal Accountant General (A and E)
Tamil Nadu,
Teynampet,
Chennai.



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3.The Director General of Police (L and O)

(Head of Police Force)

Office of the Director General of Police,
Mylapore,
Chennai-600 004.

4.The Commissioner of Police

Vepery,
Chennai.

5.The Deputy Commissioner of Police,

Welfare and Housing

Chennai

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, call for the records in pursuant to the impugned order issued by the 5th respondent in proceedings Na.Ka.No.Sa.F/ 2(1)/ 11732/ 2025 Gr.Ch.Po No.993/2025 dated 15-03-2025 and quash the same and to consequently direct the respondents 1 to 5 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.4,81,982/-



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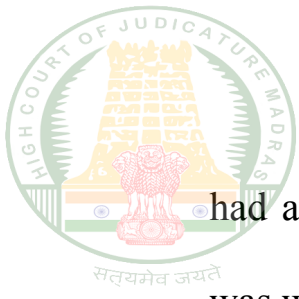
For Petitioner : Mr. V.Lakshmi Narayanan
For Respondents : Mr. V.Jeevagiridharan
1, 3 to 5 Additional Government Pleader.
For Respondent 2: Mr. P.Mano Rajan
Standing Counsel

ORDER

The Writ Petition is filed for the following relief:

“call for the records in pursuant to the impugned order issued by the 5th respondent in proceedings Na.Ka.No.Sa.F/ 2(1)/ 11732/ 2025 Gr.Ch.Po No.993/2025 dated 15-03-2025 and quash the same and to consequently direct the respondents 1 to 5 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.4,81,982/- ”.

2. The petitioner was appointed as a Grade II Police Constable in the Tamil Nadu Police Department on 07.05.1988. At the time of his superannuation he was holding the post of Sub Inspector of Police. He



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had attained superannuation on 28.02.2025, at which point in time he was working in Central Crime Branch, Greater Chennai Corporation.

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3. The petitioner would submit that he had attained superannuation on 28.02.2025 and after retirement in the month of March 2025 he was issued with an impugned order of reduction and re fixation of his pay by proceedings dated 15.03.2025 and further recovery of a sum of Rs.4,81,982/- was also ordered.

4. The petitioner would submit that he was in no way responsible for the excess payment for the period from 01.04.1998 to 01.04.2024. Therefore aggrieved the petitioner is before this Court.

5. Heard the learned counsels for the petitioner and the respondents.

6. The issue of recovery was the subject matter of the Judgement of the State of *Punjab Vs. Rafiq Masih (White Washer) etc.*, reported



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in **2015 (4) SCC 334**. The Hon'ble supreme Court has held that the recovery cannot be done without issuing a show cause notice.

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7. That apart, the Hon'ble Supreme Court had laid down five contingencies where recovery by the employers was impermissible in law. One of which was recovering excess payment made 5 years before the order of recovery was issued.

8. In the Judgement of this Court in WP.No.6401 of 2025, this Court had directed refund of the money already recovered within a period of 6 weeks from the date of receipt of the order with interest at 6% p.a.

9. In the instant case also the impugned order directs that the sum of Rs.4,81,982/- should be recovered from the petitioner's pensionary benefits and credited to the Government account.



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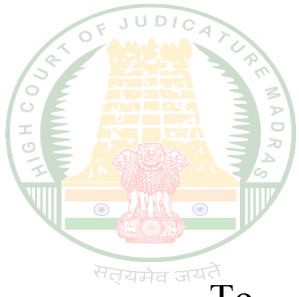
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10. In the light of the aforesaid Judgement of this Court, the amount which has been paid to the petitioner as early as in the year 1998 cannot be sought to be recovered. In case the amount has been recovered the same shall be refunded to the petitioner within a period of 2 months from the date of receipt of a copy of this order.

11. Accordingly, the Writ Petition is partly allowed directing refund of the amounts recovered and with reference to the other relief pertaining to refixation the petitioner is directed to give a representation on such representation been made, the same shall be considered and orders passed within a period of two months after affording a personal opportunity to the petitioner to put across his objections to the refixation of pay. Consequently, the connected miscellaneous petition is closed. No costs.

28.08.2025

Index : Yes/No
Internet : Yes/No
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