



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**WP No. 32575 of 2024
& WMP No.35405 of 2024**

1. J.Padmanabhan,
S/o.Late.Jayaraman,
Sub Inspector Of Police (retired)
S.I.No.9734, No.6/12, 1st Cross Street,
Jaya Nagar, Tambaram Sanitorium,
Chennai-47.

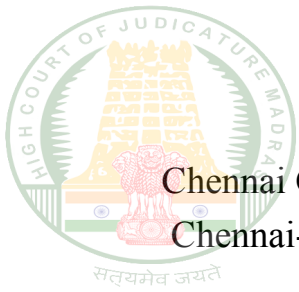
Petitioner(s)

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 Director General Of Police (I &
O),
(Head Of Police Force),
Office Of the Director General Of
Police, Mylapore, Chennai-600 004.

3.The Commissioner Of Police,



Chennai City Police, Vepery,
Chennai-600 007.

4. The Joint Commissioner Of Police,
Administrative Officer, South Zone,
Greater Chennai Police, Chennai.

Respondent(s)

PRAYER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 4th respondent in proceedings Na.Ka. No.Sa.F/S.Z/310/ 23085/2022 S.Z.O. No.734 /2022 dated 27.11.2022 and quash the same and to consequently direct the respondents 1 to 4 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to repay to the petitioner the recovered amount of Rs.1,32,448/-.

For Petitioner(s): Mr.V.Lakshmi Narayanan

For Respondent(s): Mr.R.U.Dinesh Raj Kumar, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by



the 4th respondent in proceedings Na.Ka. No.Sa.F/S.Z/310/ 23085/2022 S.Z.O.

No.734 /2022 dated 27.11.2022 and quash the same and to consequently direct

the respondents 1 to 4 (i) to restore the pay of the petitioner and to accordingly

refix his last drawn pay, (ii) to repay to the petitioner the recovered amount of

Rs.1,32,448/-.

2. The petitioner was appointed as a Grade II Police Constable in the Tamil Nadu Police Department on 20.02.1986. At the time of his superannuation, he was holding the post of Special Sub-Inspector of Police. He had attained superannuation on 31.10.2022, at which point of time he was working in S9, Palavandangal Police Station, Greater Chennai.

3. The petitioner would submit that he had attained superannuation on 31.10.2022 and after retirement in the month of October, 2022, he was issued with an impugned order of reduction and re fixation of his pay by proceedings dated 27.11.2022 and further recovery of a sum of Rs.1,32,448/- was also ordered.



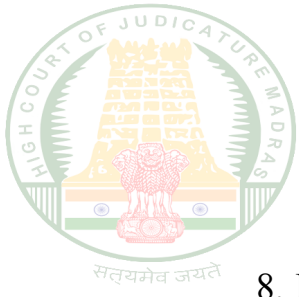
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4. The petitioner would submit that he was in no way responsible for the excess payment for the period from 01.09.1998 to 31.10.2022. Therefore, aggrieved over the same, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the entire materials available on record.

6. The issue of recovery was the subject matter of the Judgement of the State of *Punjab Vs. Rafiq Masih (White Washer) etc.*, reported in **2015 (4) SCC 334**. The Hon'ble supreme Court has held that the recovery cannot be done without issuing a show cause notice.

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.



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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.1,32,448/- should be recovered from the petitioner's pensionary benefits and credited to the Government account.

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 the order.

11. Accordingly, this Writ Petition is partly allowed, directing refund of the amounts recovered and with reference to the other relief pertaining to



refixation is concerned, the petitioner is directed to give a representation to the respondents and on such representation being made, the same shall be considered. Consequently, the connected miscellaneous petition is closed. No costs.

10-10-2025

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Index: Yes/No

Neutral Citation: Yes/No



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