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WP No. 33455 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**WP No.33455 of 2024
& WMP No.36235 of 2024**

1. R.Jayachandran,
S/o.Late.Ranganathan,
Sub Inspector Of Police (Retired),
SI No.9801, No.6, Cross Street,
Korattur, Chennai-76.

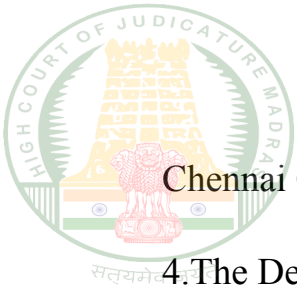
Petitioner(s)

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 and
O),
(Head Of Police Force),
Office Of the Director General Of
Police, Mylapore, Chennai-04.

3.The Commissioner Of Police,



Chennai City, Vepery, Chennai-7

4. The Deputy Commissioner Of Police
Headquarters, Greater Chennai Police,
Vepery, 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 RC.No.Tr/Payfix/535/16764/2023 T.Z.O. No.858/2023 dated 19.10.2023 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.2,56,483/-.

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

For Respondent(s): Mr.M.Suresh Kumar, AAG by
Mr.Yogesh Kannadasan, SGP

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified



Mandamus, to call for the records pursuant to the impugned order issued by the

4th respondent in proceedings RC.No.Tr/Payfix/535/16764/2023 T.Z.O.

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No.858/2023 dated 19.10.2023 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.2,56,483/-.

2. The petitioner was appointed as a Grade II Police Constable in the Tamil Nadu Police Department on 20.02.1986. He attained superannuation on 30.06.2023, at which point of time he was working in GNT Investigation, Madhavaram Traffic Investigation as Sub Inspector of Police

3. After retirement in the month of June 2023, he was issued with the impugned order of reduction and re fixation of his pay by proceedings dated 19.10.2023 and further recovery of a sum of Rs.2,56,483/- was also ordered.

4. The petitioner would submit that he was in no way responsible for the



excess payment for the period from 01.09.1998 to 30.06.2023. Therefore, aggrieved over the same, the petitioner is before this Court.

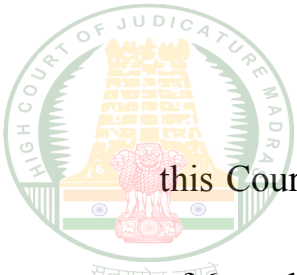
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5. Heard the learned counsel on either side and perused the entire materials available on record.

6. The issue of recovery was the subject matter of the Judgement of the Hon'ble Supreme Court in State of *Punjab Vs. Rafiq Masih (White Washer) etc.*, reported in **2015 (4) SCC 334**, wherein, it has been held that 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.

8. In the order dated 24.03.2025 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.

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9. In the instant case also, the impugned order directs that the sum of Rs.2,56,483/- should be recovered from the petitioner's pensionary benefits and credited to the Government account.

10. In the light of the aforesaid order 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, this Writ Petition is partly allowed directing refund of the amounts recovered and as far as 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.



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Consequently, the connected miscellaneous petition is closed. No costs.

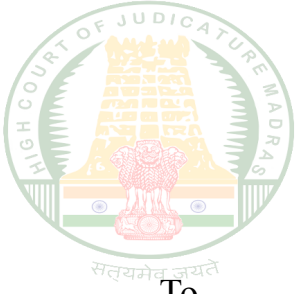
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Index: Yes/No

Neutral Citation: Yes/No



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A.D.JAGADISH CHANDIRA, J.
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