



WEB COPY

W.A.No. 1900 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 1900 of 2025
and
C.M.P.No. 14467 of 2025

1.The Government of Tamil Nadu,
Rep. through its Secretary,
Rural Development Department,
Chennai.

2.The Commissioner/Director,
Rural Development and Panchayat Raj,
Chennai - 15.

3.The District Collector,
District Collectorate Office,
Nagapattinam,
Nagapattinam District.

...Appellants

Vs.

M.Essakimuthu

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 21.09.2022 made in W.P.No. 2548 of 2011.



WEB COPY

W.A.No. 1900 of 2



For Appellants : Mr.John J.Raja Singh

Additional Government Pleader

For Respondent : Ms.P.Mahalakshmi

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The order of recovery claiming that the pay of the respondent was wrongly fixed at the time when he entered service was subject matter of challenge before the writ Court.

2. Despite the fact that the orders of recovery were passed within a year and half from the date of the mistaken grant, the writ Court held that the respondent being a Group-C Employee, the judgment in ***State of Punjab and Others Vs. Rafiq Masih (White Washer's case)*** reported in ***AIR 2015 SC 696*** will apply and the recovery is bad.

3. Mr.John J.Raja Singh, learned Additional Government Pleader appearing for the appellants would vehemently contend that the Hon'ble Supreme Court even in ***State of Punjab and Others Vs. Rafiq Masih (White Washer's case)*** reported in ***AIR 2015 SC 696*** has pointed out that it is not possible to postulate all situations of hardship that would govern the employees, due to the recovery orders being passed and therefore, there are



always exceptions. He would also invite our attention to the fact that the recovery order was passed within a year and half of the wrong fixation and therefore, he would implore us to interfere with the order of the writ Court.

4. We are unable to accept the submissions of the learned Additional Government Pleader. While saying that it is not possible to postulate all situations of hardship, the Hon'ble Supreme Court had summarized a few situations, one of which, is recovery from employees belong to Class 3 & 4 or Group – C & D service. Admittedly, the respondent is a Group-C employee therefore, recovery at any point of time is impermissible in law. Hence, we do not find any fault in the order of the writ Court for having allowed the writ petition. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (K.S., J.)
26.06.2025

kkn

Internet: Yes

Index: No

Speaking / Non-speaking order

Neutral Citation : Yes / No

To:-

3/5



1. The Government of Tamil Nadu,
Rep. through its Secretary,
Rural Development Department,
Chennai.

2. The Commissioner/Director,
Rural Development and Panchayat Raj,
Chennai - 15.

3. The District Collector,
District Collectorate Office,
Nagapattinam,
Nagapattinam District.

R.SUBRAMANIAN, J.
and
K.SURENDER, J.



WEB COPY

W.A.No. 1900 of 2



KKN

W.A.No. 1900 of 2025
And
C.M.P.No. 14467 of 2025

26.06.2025