

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM :

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.37718 of 2025

L.Jerome Joseph

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department, Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Tamil Nadu Police Headquarters,
Chennai – 600 004.
3. The Principal / Additional Director
General of Police,
Tamil nadu Police Academy, Oonamancheri,
Chennai – 600 127.
4. The Accountant General (A & E), Tamil Nadu,
Anna Salai, Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent and quash the impugned order dated 13.11.2024 bearing No.Na.Ka.En.P1/E-8270700/2024 & T.Na.Ka.Vu. Order No.318/2024 and directing the respondents to refund the sum of Rs.99,891/- (Rupees Ninety Nine Thousand Eight Hundred and Ninety One only) unlawfully deducted from the petitioner's terminal benefits at the time of his retirement on the ground of alleged excess payment, along with 12 % interest thereon, in the light of the settled law laid down by the Hon'ble Supreme Court of India.

For Petitioner : Mr.A.Gokula Krishna

For Respondents : Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader
for R1 to R3
Mr.V.Vijay Shankar,
Standing Counsel for R4

ORDER

This Writ Petition has been filed seeking to call for the records of the 3rd respondent and quash the order dated 13.11.2024 bearing No.Na.Ka.En.P1/E-8270700/2024 & T.Na.Ka.Vu. Order No.318/2024 and directing the respondents to refund the sum of Rs.99,891/- (Rupees Ninety Nine Thousand Eight Hundred and Ninety One only) unlawfully deducted from the petitioner's terminal benefits at the time of his retirement on the ground of alleged excess payment, along with 12 % interest thereon, in the light of the settled law laid down by the Hon'ble Supreme Court of India.

2.Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and Mr.V.Vijay Shankar, learned Standing Counsel, takes notice for the 4th respondent.

3. By consent, this Writ Petition is taken up for final disposal today at the admission stage itself.

4. The petitioner who is a retired Government servant, seeks redress against the recovery of a sum of Rs.99,891/- from his final retirement benefits by the respondents. The recovery was effected on the ground that excess payments were made to the petitioner during his service tenure, allegedly due to erroneous fixation of pay and allowances.

5. The learned counsel for the petitioner would submit that the petitioner is not guilty of misrepresentation or fraud. However, an order of recovery has been made without notice.

6. Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3 and would fairly concede that based on the audit objection given by the 4th respondent, the recovery has been made.

7. Admittedly, though the recovery is passed as per the audit objection of the 4th respondent, no notice has been issued to the petitioner with regard to the recovery. In view of the same, the impugned order dated 13.11.2024 in Na.Ka.En.P1/E-8270700/2024 & T.Na.Ka.Vu. Order No.318/2024 is hereby set aside. The respondents 1 to 3 are directed to

issue fresh notice to the petitioner and after affording an opportunity to the petitioner, the respondents shall pass orders on merits and in accordance with law.

8. With the above direction, this Writ Petition stands disposed of.

No costs.

08.10.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
vum

To:

1. The Principal Secretary,
Home Department, Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Tamil Nadu Police Headquarters,
Chennai – 600 004.
3. The Principal / Additional Director
General of Police,
Tamil nadu Police Academy, Oonamancheri,
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(2/2)