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W.A.No.3200 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.A.No.3200 of 2025

1. The District Collector
Mayiladuthurai District, Mayiladuthurai.
2. The Treasury Officer
District Treasury, Mayiladuthurai. .. Appellants

Vs.

1. N.P.Indhumathy
2. The Accountant General (A and E)
No.361, Anna Salai, Teynampet
Chennai - 18. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 08.07.2025 made in W.P.No.22770 of 2025.

For the Appellants : Mr.M.Alagu Goutham
Government Advocate

JUDGMENT

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

This intra-Court appeal has been directed against the order
passed by the Writ Court vide the order dated 08.07.2025 made in
W.P.No.22770 of 2025.

2. The first respondent was the writ petitioner, who, after



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having worked as Special Tahsildar, retired from service on superannuation on 31.03.2024. After one year after her retirement, an order has been passed on 14.03.2025 for recovery of a sum of Rs.5,41,315/-, as if, there was excess pay since 01.01.2012.

3. Challenging the said order, the said writ petition was moved. The learned Writ Court, having followed the dictum of the Hon'ble Supreme Court in the case of **State of Punjab and Ors. vs. Rafiz Masih (White Washer) and Ors.¹**, especially paragraph 18 of the judgment, has allowed the said writ petition through the impugned order.

4. Heard *Mr.M.Alagu Goutham*, learned Government Advocate for the appellants.

5. It is an admitted case that the first respondent/writ petitioner was allowed to retire on superannuation on 31.03.2024 peacefully. Therefore, after her retirement, there was no employer-employee relationship between them and moreover, as against a retired employee, no such recovery could be made, that too, after one year after superannuation and retirement of the

¹ (2015) 4 SCC 334



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employee.

6. This situation is one of the situations dealt with by the Hon'ble Supreme Court in the **White Washer** case (cited *supra*). Therefore, following the said dictum, since the writ petition was allowed, of course rightly, the same does not warrant any interference at our hands. Hence, the writ appeal fails and accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.26089 of 2025 is closed.

(R.S.K., J.)

(S.S., J.)

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Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

Index: Yes/No

(drm)

To:

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R. SURESH KUMAR, J.
AND
S. SOUNTHAR, J.

(*drm*)

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