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W.P.No.43716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.43716 of 2025
and
W.M.P.No.48814 of 2025

V.Govindaraj

..... Petitioner

Vs

1.The State of Tamil Nadu
Represented by its Additional Chief Secretary
to the Government,Home (Police) Department,
Fort St.George, Chennai 600 009.

2.The Principal Accountant General (A & E)
Tamil Nadu,
Teynampet,Chennai

3.The Director General of Police (L & O)
(Head of Police Force) Office of the
Director General of Police,
Mylapore, Chennai 600 004

4.The Commissioner of Police
Vepery, Chennai

5.The Deputy Commissioner of Police
Headquarters, Chennai.

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for
the issuance of Writ of Certiorarified Mandamus, call for the records in



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pursuant to the impugned order issued by the 5th respondent in proceedings NA.KA.No.SA.F/2(1)/453/65427/2023 GR.CH.PO. No.4499/2023 dated 18.11.2023 and quash the same and to consequently direct the respondents 1 to 5 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.1,71,828/-.

For Petitioners : Mr.V.Lakshminarayanan
For R1, R3 to R5 : Mr.S.Yashwanth
Additional Government Pleader
For R2 : Mr.L.Murali Krishnan
Standing Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, call for the records in pursuant to the impugned order issued by the 5th respondent in proceedings NA.KA.No.SA.F/2(1)/453/65427/2023 GR.CH.PO. No.4499/2023 dated 18.11.2023 and quash the same and to consequently direct the respondents 1 to 5 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.1,71,828/-.



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2.The petitioner was appointed as a Grade II Police

Constable in the Tamil Nadu Police Department on 25.05.1988. At the time of his voluntary retirement, he was holding the post of Sub Inspector of Police. He voluntarily retired from service on 31.08.2023, while he was working at the Chennai Modern Control Room under the Greater Chennai Police.

3.The petitioner would submit that subsequent to his voluntary retirement on 31.08.2023, he was issued with an impugned proceedings dated 18.11.2023, whereby his pay was reduced and refixed and further recovery of a sum of Rs.1,71,828/- was also ordered.

4.The petitioner would submit that he was in no way responsible for the alleged excess payment for the period from 01.01.2015 to 31.08.2023. Therefore, aggrieved by the said proceedings, the petitioner is before this Court.

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



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6.The issue of recovery was the subject matter of the Judgment of the State of ***Punjab Vs. Rafiq Masih (Whie 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.

8.In the Judgment of this Court in W.P.No.6401 of 2025, this Court had directed refund of the money already recovered within a period of six 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.1,71,828/- should be recovered from the petitioner's pensionary benefits and credited to the Government account.

10.In the light of the aforesaid judgment of this Court, the amount which has been paid to the petitioner as early as in the year 2015



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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 two months from the date of receipt of a copy this order.

11. Accordingly, this Writ Petition is partly allowed directing refund of the amounts recovered and with reference to the order 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, connected miscellaneous petition is closed. No costs.

18.11.2025

Internet : Yes
Index : Yes/No
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To

1. The Additional Chief Secretary to the Government,
Home (Police) Department,
Fort St. George, Chennai 600 009.

2. The Principal Accountant General (A & E)
Tamil Nadu,
Teynampet, Chennai



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3.The Director General of Police (L & O)
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4.The Commissioner of Police
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5.The Deputy Commissioner of Police
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