



W.A(MD)No.258 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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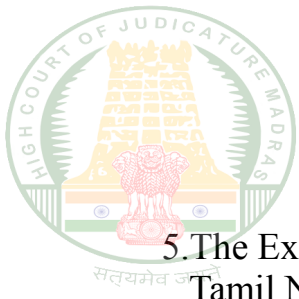
DATED: 06.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.258 of 2023
and
C.M.P(MD)No.3162 of 2023**

- 1.The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
Chennai – 5.
- 2.The Secretary and General Manager,
Tamil Nadu Water Supply and
Drainage Board,
Head Office,
Chennai – 5.
- 3.The Joint Chief Engineer (GI),
Tamil Nadu Water Supply and
Drainage Board,
Head Office,
Chennai – 5.
- 4.The Superintending Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Madurai Dindigul Theni Circle,
Madurai – 20.



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5.The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Madurai – 20.

... Appellants /
Respondents 1 to 5

Vs.

S.Murugan
Watchman (Retired),
S/o.Sakthivel,
Muthuramalingathevar Street,
Kochadai, Madurai.

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the Appeal and set aside the order of this Court made in W.P(MD)No.11092 of 2017 dated 17.10.2017.

For Appellants : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.R.Satheesh

For Respondent : Mr.S.Govindan

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.This is a case of recovery. S.Murugan / respondent herein was conferred selection grade in the post of Watchman in the year 1994. He



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conferred special grade in the year 2004. He retired on 30.06.2014. Thereafter, the Management of the TWAD Board concluded that since S.Murugan was regularised only in the year 1989, he could not have been given selection grade in the year 1994 and proceeded to effect recovery vide impugned proceedings. Challenging the same, S.Murugan filed W.P(MD)No.11092 of 2017. The learned single Judge partly allowed the Writ Petition vide order dated 17.10.2022. Challenging the same, this Writ Appeal has been filed.

3.The Hon'ble Supreme Court in *White Washer's case ((2015) 4 SCC 334 State Of Punjab & Ors vs Rafiq Masih)* has categorically held that recovery from Group C and D servant who had already retired is impermissible. Therefore, interference with the impugned order granting relief to the petitioner is not warranted.

4.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
06.06.2025

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and

K.RAJASEKAR, J.

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