



W.A(MD)No.1760 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2025

CORAM

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

**W.A(MD)No.1760 of 2025
and
C.M.P(MD)No.9883 of 2025**

1.The Director of School Education,
Chennai.

2.The District Educational Officer,
Theni.

... Appellants /
Respondents 1 & 3

Vs.

1.R.SahayaDevarajan

... 1st Respondent /
Writ Petitioner

2.The Accountant General,
No.361, Annasalai,
Chennai.

... 2nd Respondent /
2nd Respondent

3.The Correspondent,
R.C.High School,
Theni.

... Respondents /
4th Respondent



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 02.08.2024 in W.P(MD)No.18686 of 2024 insofar setting aside the order of recovery and allow the writ appeal.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

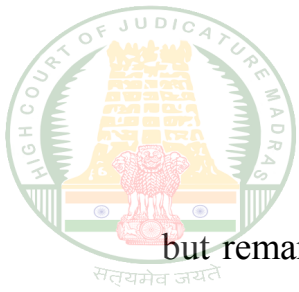
For Respondents : Mr.V.Panneer Selvam for R.1
Mr.P.Gunasekaran for R.2

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner retired as BT Assistant on 30.06.2022. When the writ petitioner's pension proposals were processed, it was noted that instead of paying grade pay at the rate of Rs.4800/- per month, he was paid with Rs.5400/- per month since 01.01.2011 onwards. Therefore, the authority not only refixed the pension by reckoning his grade pay at Rs.4800/- but also withheld a sum of Rs.16,97,842/- by treating it as excess payment. Challenging the said order dated 02.09.2022, the petitioner filed W.P(MD)No.18686 of 2024. The learned single Judge vide order dated 02.08.2024 held that recovery cannot be effected



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but remanded the matter to decide the issue of refixation afresh after notice to the writ petitioner. Challenging the same, the department has filed this writ appeal.

3.The learned Judge had noted that the order dated 02.09.2022 was passed without notice to the writ petitioner. Therefore, the said order was rightly set aside. When the matter was set aside on the ground of violation of principles of natural justice, it is only just and proper that the entire issue should be remanded for fresh consideration. The question of invoking **White Washer's** case at this stage may not really arise. We leave all the issues open. The matter is remitted to the file of the Director of School Education, Chennai. The Director of School Education, Chennai will forward the papers to the Government. The Government will issue notice to the writ petitioner and decide whether he was entitled to grade pay of Rs.5,400/- and the quantum of his pension. On the issue of recovery also the writ petitioner will be put on notice. All the contentions of the writ petitioner are left open. The writ petitioner can also invoke the **White Washer's** principles in his favour. It is for the Government to take a call. The entire exercise shall be concluded within a period of five months from the date of receipt of a copy of this order.



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

[G.R.S., J.] [K.R.S., J.]
02.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The Accountant General,
No.361, Annasalai,
Chennai.

2.The Correspondent,
R.C.High School,
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