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W.P.(MD) No.10373 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.10373 of 2022

and

W.M.P.(MD) No.7374 of 2022

A.Jegans Babu

... Petitioner

-vs-

- 1.The Principal Secretary
Finance (Pay Cell) Department
St.George Fort, Chennai
- 2.The Joint Director of Agriculture
Collectorate Campus
Annex building First Floor
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned proceeding Order No.Nee2/6637/2013 dated 11.05.2022 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to reimburse the amount which was recovered from the



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petitioner which had been paid to him for the period he had been conferred as Selection Grade Assistant Seed Officer.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned recovery order dated 11.05.2022 passed by the second respondent.

2. Due to the cancellation of Selection Grade, which was earlier awarded to the petitioner, the impugned recovery order has been issued. Admittedly, the petitioner, being an Assistant Seed Officer, would fall under the category of Group-'C'.

3. Learned Additional Government Pleader appearing for the respondents, on instructions, would also fairly concede that the petitioner, being an Assistant Seed Officer, falls under the category of Group -'C'. The Honourable Supreme Court of India in the case of ***State of Punjab & Ors vs.***



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Rafiq Masih (White Washer), reported in **AIR 2015 SC 696**, has held that recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service) cannot be made, in case they were paid in excess of their entitlement.

4. In the case on hand, due to the cancellation of Selection Grade, which was earlier awarded to the petitioner, the second respondent sought to recover the excess payment made to the petitioner. However, the petitioner falls under Group 'C' and as held by the Honourable Supreme Court in the Judgment cited supra, recovery of excess payment made by the respondents from the petitioner is not legally permissible. However, by non-application of mind to the Judgment of the Honourable Supreme Court of India in **White Washer's** case, the second respondent has passed the impugned recovery order.

5. For the foregoing reasons, necessarily, the impugned order dated 11.05.2022 passed by the second respondent, has to be quashed and the writ petition has to be allowed.



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6. Accordingly, the impugned order dated 11.05.2022, passed by the second respondent, is hereby quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

31.10.2025

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

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To:

- 1.The Principal Secretary,
Finance (Pay Cell) Department,
St.George Fort, Chennai.
- 2.The Joint Director of Agriculture,
Collectorate Campus,
Annex building First Floor,
Nagercoil, Kanyakumari District.



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ABDUL QUDDHOSE, J.

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