



W.P.(MD) No.13135 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.13135 of 2021

and

W.M.P.(MD) Nos.10149, 10150 & 10151 of 2021

M.Abirami

... Petitioner

-vs-

- 1.Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO)
rep.by its Chairman cum
Managing Director
144, Anna Salai, Chennai-600 002
- 2.Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO)
rep.by its Secretary (a/c)
144, Anna Salai, Chennai-600 002
- 3.The Superintending Engineer
O/o.Superintending Engineer
Trichy Electricity Distribution Circle /
(Metro)
TANGEDCO, Trichy-620 020

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020 on the file of the Respondent No.2 and the consequential impugned order in Ku.Aa.No.540/Sambalapattiyal Section/Vu.1/Kho.Thanikai/2021, dated 11.06.2021 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from recovering the incentive increment granted to the petitioner with retrospective effect.

For Petitioner : Mr.S.Rajasekar
for M/s.T.Lajapathi Roy & Associates

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned recovery order dated 11.06.2021, passed by the third respondent, on the ground that the said recovery is not in accordance with law and also on the ground that the petitioner being a Group-C employee, recovery cannot be made as per the Judgment rendered by the Honourable Supreme Court in the case of ***State of Punjab & Ors vs. Rafiq Masih (White Washer)***, reported in ***AIR 2015 SC 696***.



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2. Counter has been filed by the respondents reiterating the contents of the impugned order and they would state that since advance incentive increments were erroneously paid to the petitioner, the same had to be cancelled, which had resulted in passing of the impugned recovery order.

3. This Court need not go into the merits of the respondents' contentions. Admittedly, when the petitioner is a Group-C employee, even according to the learned Standing Counsel appearing for the respondents, the question of recovering the amounts from the petitioner, on the ground that erroneously advance incentive increments were paid to him by the respondents does not arise, in view of the well settled law laid down by the Honourable Supreme Court in the case of ***State of Punjab & Ors vs. Rafiq Masih (White Washer)***, reported in ***AIR 2015 SC 696***. The directions issued by the Honourable Supreme Court in the said decision, which are as follows, make it clear that recovery cannot be made from the employees belonging to Group-C & D servants, even in cases where erroneous payments were made to those employees:

“(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).



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- (ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) *Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- (iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- (v) *In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”*

4. Since the petitioner belongs to Group-C service, necessarily, in line with the decision rendered by the Honourable Supreme Court, referred to supra, the impugned recovery order, dated 11.06.2021, passed by the third respondent, has to be quashed, since it is contrary to the said decision.



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5. Accordingly, this writ petition is allowed and the impugned recovery order, dated 11.06.2021, passed by the third respondent, is hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

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

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ABDUL QUDDHOSE, J.

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