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W.P.(MD) No.12842 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.12842 of 2022

and

W.M.P.(MD) No.9114 of 2022

Chandrasekaran

... Petitioner

-VS-

- 1.The Chief Educational Officer
Office of the Chief Educational Officer
Trichy
- 2.The Madurai Regional Account
Officer (Audit)
School Education Department
Madurai-2
- 3.The Principal
Government Boys Higher Secondary School
Thathiengarpet
Musiri Taluk
Trichy-621 214

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relates to the impugned proceeding of the 3rd respondent in Na.Ka.No.40/2022 dated 19.01.2022 issued in pursuance of the 2nd respondent proceeding dated 03.12.2021 in Na.Ka.No.3119/A7/2021 and quash the same as illegal and consequently direct the respondents to pay yearly increment to the petitioner forthwith.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings dated 03.12.2021, issued by the second respondent and the consequential proceedings dated 19.01.2022, issued by the third respondent, seeking to recover the alleged excess payments made to the petitioner in the form of incentive increment in the year 2011.



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2. The petitioner was awarded incentive increment for acquiring higher educational qualification on 10.11.2011. However, the respondents, based on the audit objections, have issued the impugned proceedings, on the ground that the incentive increment awarded to the petitioner was erroneous and incorrect. Admittedly, more than five years have elapsed from the date when the petitioner was awarded incentive increment in the year 2011 till the date of passing of the impugned proceedings, which are dated 03.12.2021 and 19.01.2022.

3. The law is now well settled by the decision rendered by the Honourable Supreme Court in the case of ***State of Punjab and others vs. Rafiq Masih (White Washer) and others***, reported in ***(2015) 4 SCC 334***, wherein, it has been held that recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued, is legally impermissible.

4. The petitioner is also having the benefit of interim stay of the operation of the impugned proceedings pursuant to the order passed by this Court on 22.06.2022.



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5. In view of the settled law and in view of the fact that recovery is sought to be made by the respondents after a lapse of more than five years from the date when the petitioner was awarded incentive increment, the impugned proceedings have to be quashed by this Court.

6. Accordingly, this writ petition is allowed and the impugned proceedings dated 03.12.2021, issued by the second respondent and the consequential proceedings dated 19.01.2022, issued by the third respondent, are quashed. No costs. Consequently, connected miscellaneous petition is closed.

13.11.2025

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

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To:

- 1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Trichy.
- 2.The Madurai Regional Account
Officer (Audit),
School Education Department,
Madurai-2.



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3.The Principal,
Government Boys Higher Secondary School,
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ABDUL QUDDHOSE, J.

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