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W.P.(MD) No.13761 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.13761 of 2021

and

W.M.P.(MD) Nos.10722 of 2021 & 7109 of 2025

V.K.Rajendren

... Petitioner

-vs-

1.The Accountant General
Government of Tamil Nadu
361, Anna Salai, Chennai-600 018

2.The Additional Treasury Officer
District Treasury
Thanjavur District

3.The Superintendent
Government Children Home for Boys
Mallipuddur
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the impugned orders passed by the 1st respondent vide his proceedings in P06/1/10623750/ADK dated 25.06.2021 and quash the same as illegal.



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For Petitioner : Mr.C.Gangai Amaran

For Respondents : Ms.S.Mahalakshmi
Standing Counsel for R1
Mr.C.Satheesh
Government Advocate for R2 & R3

ORDER

This writ petition has been filed challenging the impugned recovery order dated 25.06.2021, passed by the first respondent.

2. The impugned recovery order came to be passed on account of the alleged excess payments made to the petitioner, while he was in service. The petitioner retired from service on 31.05.2017.

3. Law is now well settled by the decision rendered by the Honourable Supreme Court in the case of **State of Punjab & Ors vs. Rafiq Masih**, reported in **AIR 2015 SC 696**, commonly known as **White Washer's** case, wherein it has been made clear that recovery from the retired employees is legally impermissible. In view of the settled law and in view of the fact that when the impugned recovery order was issued, the petitioner had already



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retired from service, the impugned recovery order has to be necessary quashed and this writ petition will have to be allowed.

4. Accordingly, the impugned recovery order, dated 25.06.2021, passed by the first respondent, is hereby quashed and this writ petition is allowed. However, it is made clear that this Court has only quashed the recovery order through this order, but permits the respondents to re-fix the pension based on the re-fixation of the petitioner's pay. No costs. Consequently, connected miscellaneous petitions are closed.

27.10.2025

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

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To:

- 1.The Additional Treasury Officer,
District Treasury,
Thanjavur District.
- 2.The Superintendent,
Government Children Home for Boys,
Mallipuddur,
Virudhunagar District.



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ABDUL QUDDHOSE, J.

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