



W.P.(MD)No.13300 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.13300 of 2022
and
W.M.P.(MD).Nos.9441 & 9442 of 2022

S.Murugan

... Petitioner

Vs.

- 1.The Inspector General of Police,
Central Reserve Police Force,
Southern Sectors, Road No.10C,
Near New MLA / MPS Colony,
Gayathiri Hills, Hyderabad - 500 033.
- 2.The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Rangareddy, Hyderabad - 500 074.
- 3.The Additional Deputy Inspector General of Police,
Group Centre,
Central Reserve Police Force,
Yelahanka, Bangalore,
Karnataka - 560 064.
- 4.The Account Officer,
Office of the Commandant - 91 BN,
Central Reserve Police Force,
GC Lucknow Campus, Bijanur, Lucknow - 226 002.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the fourth respondent in his proceedings in P-I-5/2016-17-PBC-91, dated 29.08.2016, is illegal and quash the same.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondents : Mr.K.Govindarajan,
DSGI

ORDER

This writ petition has been filed challenging the impugned recovery order dated 29.08.2016 passed by the fourth respondent.

2. On account of the alleged excess payments made to the petitioner earlier, the respondents under the impugned order dated 29.08.2016 has recovered the said amount from and out of the retirement benefits payable to the petitioner.

3. Even though a detailed counter-affidavit has been filed by the respondents denying the contentions of the petitioner, this Court in view of the well settled law laid down by the Hon'ble Supreme Court in the case of *State of*



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Punjab and Others vs. Rafiq Masih (commonly known as White Washer

case), has held that the impugned recovery order is legally impermissible under law. The Hon'ble Supreme Court in the aforesaid decision has made it clear that recovery from the employees belonging to Class-III and Class-IV Service (or Group-'C' or Group-'D' service) is legally impermissible under law and recovery from the retired employees or employees, who were due to retirement within one year, of the order of recovery is legally impermissible.

4. Admittedly, in the case on hand, the petitioner was a Police Constable working with the respondent-Department and is a Group-C employee. Admittedly, the impugned recovery order was passed only at the time of the petitioner's retirement from service. In the light of the settled law as stated supra, the impugned recovery order dated 29.08.2016 has to be quashed and this writ petition will have to be allowed.

5. Accordingly, the impugned recovery order dated 29.08.2016 passed by the fourth respondent is hereby quashed and this writ petition is allowed. A direction is issued to the fourth respondent to refund the sum of Rs.6,65,895/- (Rupees Six Lakhs Sixty Five Thousand Eight Hundred and Ninety Five only) to the petitioner, which has been erroneously recovered under the impugned



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order contrary to the well settled law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

23.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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ABDUL QUDDHOSE, J.

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