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W.P.(MD) No.14474 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.14474 of 2023

and

W.M.P.(MD) Nos.12276 & 12277 of 2023

Alice Saroja

... Petitioner

-vs-

1.The Accountant General
Tamil Nadu
361, Anna Salai
Teynampet, Chennai-18

2.The Assistant Treasury Officer
Tiruchendur Taluk Office Campus
Tiruchendur, Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records related to the orders issued by the 2nd respondent in his proceedings in Na.Ka.No.309/UKaA/2023 dated 22.05.2023 and the consequent proceedings of the 2nd respondent in his proceedings in Na.Ka.No.309/U.Ka.A/2023 dated 01.06.2023 and quash the



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same as illegal and consequent direction may be issued to the respondents to not to recover any amount from the pension of Mr.Anbaiya.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.P.Gunasekaran
Standing Counsel for R1
Mr.A.Baskaran
Additional Government Pleader for R2

ORDER

This writ petition has been filed challenging the impugned order dated 22.05.2023, passed by the second respondent, and the consequential proceedings, dated 01.06.2023, also passed by the second respondent.

2. The second respondent has passed the impugned orders seeking recovery of the amounts from the petitioner, on the ground that erroneously excess payments were made to the petitioner's husband while he was in service.

3. Admittedly, the petitioner's husband retired from service as early as on 31.03.2007 and he also died on 28.12.2021. The impugned orders



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came to be passed by the second respondent only on 22.05.2023 and 01.06.2023.

4. The law is now well-settled by the decision of the Honourable Supreme Court in the case of ***State of Punjab & Ors vs. Rafiq Masih (White Washer)***, reported in ***AIR 2015 SC 696***, wherein the Honourable Supreme Court has made it clear that recovery from the retired employees is legally impermissible. Admittedly, the petitioner's husband retired from service as early as in the year 2007 itself and therefore, the question of recovering the excess amounts made to him after his retirement through the impugned proceedings does not arise as the same is legally impermissible as per the well-settled law laid down by the Honourable Supreme Court in the aforesaid decision.

5. Even though in the counter filed by the first respondent before this Court various allegations have been levelled against the petitioner's husband, while he was in service and the first respondent also claims that the petitioner's husband has misused the scheme, the said contention cannot be raised and the same has to be rejected in view of the well settled law.



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6. Accordingly, this writ petition is allowed and the impugned orders dated 22.05.2023 and 01.06.2023, passed by the second respondent, are quashed. No costs. Consequently, connected miscellaneous petitions are closed.

16.10.2025

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

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To:
The Assistant Treasury Officer,
Tiruchendur Taluk Office Campus,
Tiruchendur, Thoothukudi District.



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ABDUL QUDDHOSE, J.

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