



W.P.(MD).No.16271 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16271 of 2025

and

W.M.P.(MD)No.12363 & 12365 of 2025

A.Mathivanan

... Petitioner

-VS-

1. The Principal Accountant General of Tamil Nadu (A & E),
Office of the Principal Accountant General (A & E),
361, Anna Salai,
Chennai - 600 018.

2. The District Health Officer,
Government Primary Health Centre,
Mappillaiyurani Campus,
Thoothukudi - 628 002.

3. The Block Medical Officer,
Government Primary Health Center,
Pudukottai,
Thoothukudi,
Thoothukudi District - 628 103.

... 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 relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka. No./77/A1/2025 dated 24.02.2025 in respect of the alleged recovery of excess payment due to wrongful fixation of pay increment for the period from 01.09.1998 to 28.02.2025 amounting to Rs.4,67,770/- and consequential impugned communication of the 3rd respondent in his proceedings Na.Ka. No. 290/A1/2025 dated 03.06.2025 to quash the same as illegal, arbitrary and in violation of principles of natural justice and consequently to direct the 3rd respondent to refund the sum of Rs.4,67,770/- with interest at the rate of 12% per annum to the petitioner within a time frame fixed by this Court and restore the original pension accordingly and to disburse the differential pension arrears to the petitioner.

For Petitioner : Mr.C.Nihil Nandha

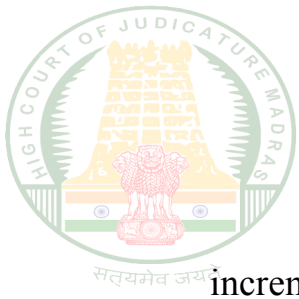
For Respondents : Ms.S.Mahalakshmi (R1)

Mr.S.R.A.Ramachandhran (R2 & R3)

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 3rd respondent in Na.Ka. No./77/A1/2025 dated 24.02.2025 in respect of the alleged recovery of excess payment due to wrongful fixation of pay



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Increment for the period from 01.09.1998 to 28.02.2025 amounting to Rs. 4,67,770/- and consequential impugned communication of the 3rd respondent in Na.Ka. No.290/A1/2025 dated 03.06.2025 with a consequential direction to the 3rd respondent to refund the sum of Rs.4,67,770/- with interest at the rate of 12% per annum to the petitioner within a time frame fixed by this Court and restore the original pension accordingly and to disburse the differential pension arrears to the petitioner.

2. Heard the learned counsel on either side.

3. The issue involved in this writ petition has already been dealt with by this Court, in the case of ***D.Balasubramaniam vs. The Director, Public Health and Preventive Medicine Department, Chennai*** in ***WP.No.27155 of 2021 dated 25.10.2024***, wherein this Court held as follows:-

“6. In view of the submissions made by the learned counsel on either side and in the light of the judgment of the Hon'ble Supreme Court in the case of State of Punjab vs. Rafiq Masih (White Washer) as stated supra, this Court finds that the recovery of any excess payment made, owing to the mistake of the Department for over a period of 5 years, cannot be made. Since the respondents have sought to make recovery from 01.08.1997 to 09.05.2021, the same is impermissible in law. Hence, this Court directs the



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respondents to pay the amount, if any recovered from the petitioner.

The respondents are also directed to make all the payments due to the petitioner as per law, within a period of four weeks from the date of receipt of a copy of this order.”

4. Thus, following the ratio laid down by the Hon'ble Supreme Court in the case of ***State of Punjab vs. Rafiq Masih (White Washer)*** and also the dictum laid down by this Court in ***D.Balasubramaniam vs. The Director, Public Health and Preventive Medicine Department, Chennai*** in ***WP.No. 27155 of 2021 dated 25.10.2024***, the petitioner in the case on hand is also entitled to the aforesaid relief.

5. In view of the above, this Court also finds that the recovery of any excess payment made, owing to the mistake of the Department for over a period of 5 years, cannot be made. Since the respondents have sought to make recovery from the year 1998 to 2025, the same is impermissible in law. Hence, this Court directs the respondents to pay the amount, if any recovered from the petitioner. The respondents are also directed to make all the payments due to the petitioner as per law, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.07.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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TO:-

1. The Principal Accountant General of Tamil Nadu (A & E),
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361, Anna Salai,
Chennai - 600 018.
2. The District Health Officer,
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3. The Block Medical Officer,
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Thoothukudi District - 628 103.

Order made in
W.P.(MD)No.16271 of 2025

Dated:
08.07.2025