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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.19394 of 2022
and WMP(MD)No.14155 of 2022

Sathiamoorthy ... Petitioner

/Vs./

1.The Principal Secretary,
Finance (Pay Cell) Department,
St.George Fort,
Chennai.

2.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Collectorate Campus,
Thoothukudi. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Se.Mu.Order No.Ni2/1425/2022 dated 18.07.2022 passed by the 2nd respondent against the petitioner and quash the same as which as contra to dictum held by the Honble Supreme Court and Government Order Vide F.No.18/03/2015-Estt.(Pay-1) Government of India Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training, New Delhi, dated 02.03.2016 and consequently direct the respondents to reimburse the recovery already made from the petitioners salary and may be granted the

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petitioner's increment in the post of Selection Grade Assistant Seed Officer.

For Petitioner : Mr.Rajiv Rufus

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

ORDER

This writ petition has been filed challenging the impugned recovery order dated 18.07.2022 passed by the second respondent.

2. Due to the cancellation of Selection Grade, which was earlier awarded to the petitioner, the impugned recovery order has been issued. Admittedly, the petitioner, being an Assistant Seed Officer, would fall under the category of Group-'C'.

3. The learned Special Government Pleader appearing for the respondents, on instructions, would also fairly concede that the petitioner, being an Assistant Seed Officer, falls under the category of Group -'C'. The Hon'ble Supreme Court of India in **State of Punjab & Ors** vs. **Rafiq Masih (White Washer) in Civil Appeal No.11527 of 2014** has held

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that recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service) cannot be made in case they were paid in excess of their entitlement.

4. In the case on hand, due to the cancellation of Selection Grade which was earlier awarded to the petitioner, the second respondent sought to recover the excess payment made to the petitioner. However, the petitioner falls under Group 'C" and as held by the Hon'ble Supreme Court in the judgment cited supra, recovery of excess payment made by the respondents from the petitioner is not legally permissible. However, by non-application of mind to the judgment of the Hon'ble Supreme Court of India in **White Washer's case,** the second respondent has passed the impugned recovery order.

5. For the foregoing reasons, necessarily, the impugned order dated 18.07.2022 passed by the second respondent has to be quashed and the writ petition has to be allowed.

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6. Accordingly, the impugned order dated 18.07.2022 passed by the second respondent is hereby quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
CM

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TO:

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ABDUL QUDDHOSE, J.

CM

Order made in
W.P.(MD)No.19394 of 2022
and WMP(MD)No.14155 of 2022

Dated:

04.09.2025

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