



W.P.(MD)No.19751 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19751 of 2021

and

W.M.P.(MD)Nos.16276, 16278 & 16444 of 2021

S.Krishnakumar

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Technical Education,
Directorate of Technical Education (DOTE),
53, Sardar Patel Road,
Guindy,
Chennai – 600 025.
- 3.The Correspondent,
Rukmini Shanmugam Polytechnic College,
(A Government Aided Institution),
Varichiyur, Madurai – 625 020.



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4.The Principal,

Rukmini Shanmugam Polytechnic College,
(A Government Aided Institution),
Varichiyur, Madurai – 625 020.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refixation proceedings passed by the second respondent vide proceedings No.35822/C1/2018-2 dated 22-Jun-2020 and the impugned recovery proceedings passed by the third respondent vide proceedings No.019/B/2017 dated 22-Aug-2019 and quash the same as illegal and to consequentially direct the respondents to FIX/REINSTATE the petitioner in pay Band IV in the pay scale of Rs.374000 – Rs.67000 + AGP Rs.9000 on 01-Jan-2009 and sanction all further pay progressions with applicable monetary benefits.

For Petitioner : Mr.R.Thirumalai Murugan

For Respondents 1 & 2 : Mr.P.T.Thiraviyam

Government Advocate



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ORDER

The issue that arises for consideration in this Writ Petition is whether the impugned recovery order can be passed despite the fact that the petitioner has retired from service.

2.The following is the undisputed fact:

(i) the petitioner retired from service on 31.11.2016 but the impugned recovery order has been issued on 22.08.2019.

3.The law is well settled by the decision rendered by the Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer)*** reported in ***(2015) 4 SCC 334***, wherein it has been held that recovery from retired employees in respect of alleged excess payments made to them is legally impermissible. In the case on hand also, the petitioner has retired from service and only thereafter, the impugned recovery order has been passed on the ground that excess payments were made to the petitioner.



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4. In view of the well settled law, the impugned orders dated 22.08.2019 passed by the third respondent and 22.06.2020, passed by the second respondent are hereby quashed and this Writ Petition is allowed. Since the petitioner claims that pursuant to the impugned recovery order, certain payments have already been recovered from the petitioner, this Court directs the petitioner to submit a representation to the respondents seeking for refund of the said amounts within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents shall pass orders for refund of the said amounts, if any, within a period of twelve [12] weeks, thereafter. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.10.2025

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



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To

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of Higher Education,
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Chennai – 600 009.

- 2.The Commissioner of Technical Education,
Directorate of Technical Education (DOTE),
53, Sardar Patel Road,
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ABDUL QUDDHOSE., J.

MR

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