



W.P.(MD)No.19886 of 2023

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DATED: 03.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19886 of 2023

and

W.M.P.(MD)No.16418 of 2023

Chandrasekar

: Petitioner

Vs.

1.The Principal Accountant General (A & E),
O/o. the Principal Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai.

2.The District Educational Officer (Elementary),
O/o. District Educational Office,
Ramanathapuram,
Ramanathapuram District.

3.The District Treasury Officer,
O/o. District Treasury,
Ramanathapuram,
Ramanathapuram District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent in Ref.No. 1127/A1/2023 dated 11.07.2023 with hold my gratuity amount a sum of Rs.9,13,677/- (Nine lakhs and thirteen thousand and six hundred seventy seven) and quash the same as illegal and consequently directing the second and third respondents to continue to disburse the same allowance without any reduction or recovery of the retirement gratuity amount of the petitioner in accordance with law.

For Petitioner : Mr.D.Balamuruga Pandi
For Respondent No.1 : Mr.P.Gunasekaran,
Standing Counsel
For Respondents 2 & 3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The petitioner has challenged the impugned recovery order dated 11.07.2023 issued by the second respondent on the ground that the said recovery order is illegal since the petitioner has already retired from service.



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2.It is an undisputed fact that the impugned order has been issued after the petitioner has retired from service on 31.05.2023. 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***, has categorically held that recovery from retired employees or the employees who are due to retire within one year of the order of recovery is legally impermissible.

3.In view of the aforesaid decision, necessarily, the impugned recovery order has to be quashed and this Writ Petition has to be allowed.

4.Accordingly, the impugned recovery order dated 11.07.2023 passed by the second respondent is hereby quashed and this Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03.11.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR

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To

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ABDUL QUDDHOSE., J.

MR

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