



W.P.(MD)No.23128 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.23128 of 2022

and

W.M.P.(MD).Nos.17229 of 2022 and 3659 of 2025

Natarajan

... Petitioner

Vs.

1.The Accountant General (A & E),
361, Anna Salai,
Teynmapet,
Chennai - 18.

2.The Treasury Officer,
Sub Treasury, Periyakulam,
Theni District.

3.The Director of Agriculture,
Chepauk, Chennai.

4.The Joint Director of Agriculture,
Theni,
Theni District.

... Respondents

(Respondent Nos.3 and 4 impleaded Vide Court Order Dated 01.07.2025
made in W.M.P.(MD).No.3833 of 2025 in W.P.(MD)no.23128 of 2022)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from withholding or effecting any recovery from the petitioner's pension account PPO No.C269332AGR and to consequently direct the respondents to continue the pension paid to the petitioner prior to December 2019.

For Petitioner	: Mr.P.Samuel Gunasingh
For R-1	: Mrs.S.Mahalakshmi, Standing Counsel
For R-2 & R-3	: Mr.A.Baskaran, Additional Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking to forbear the respondents from withholding or effecting any recovery from the petitioner's pension account and consequently to direct the respondents to continue to pay the pension to the petitioner prior to December 2019.

2. Based on the proceedings of the second respondent dated 30.09.2022, the petitioner apprehends that the respondents will withhold or effect the recovery from the petitioner's pension account. Admittedly, the petitioner has retired from service and has been receiving the pension thereafter. On account of the alleged excess payments said to have been made to the petitioner, the



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petitioner claims that the second respondent has issued the proceedings dated 30.09.2022, proposing to recover the excess payments made to the petitioner.

The said proceedings were issued based on the audit objections.

3. The law is now well settled by the decision of the Hon'ble Supreme Court in the case of *State of Punjab and Others vs. Rafiq Masih (commonly known as White Washer case)* that recovery cannot be made from the retired employees.

4. The learned Additional Government Pleader appearing for respondent Nos.2 and 3 on instructions would submit that the respondents have not recovered any amount from the petitioner's pension amount.

5. In view of the settled law rendered in the *white washer's case* by the Hon'ble Supreme Court, the prayer sought for in this writ petition has to be granted insofar as restraining the respondents from effecting any recovery from the petitioner from and out of the petitioner's pension account on the ground that excess payments were made to the petitioner while the petitioner was in service.



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5. Accordingly, the respondents are restrained by this Court from recovering any amount from the petitioner from and out of the petitioner's pension account on account of the alleged excess payments made by the respondents to the petitioner while the petitioner was in service. If the amount has already been recovered by the respondents earlier from and out of the petitioner's pension amount, the petitioner is granted liberty to give a fresh representation to the respondents seeking for refund of the said amount and the respondents shall consider the said representation within a period of twelve weeks thereafter.

6. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Treasury Officer,
Sub Treasury, Periyakulam,
Theni District.



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2.The Director of Agriculture,
Chepauk, Chennai.

3.The Joint Director of Agriculture,
Theni,
Theni District.
Madurai.



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ABDUL QUDDHOSE, J.

TSG

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