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W.P.(MD) No.23184 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.23184 of 2022

and

W.M.P.(MD) Nos.17278 of 2022 & 2986 of 2023

J.Queen

... Petitioner

-VS-

1.The District Educational Officer
Bathalakundu
Dindugal District

2.The Regional Accounts Officer (Audit)
School Education Department
Madurai

3.The Correspondent
St.Therasa High School
Paambarpuram
Kodaikanal
Dindigul District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in NIL dated 10.03.2022 in so far as para 1 is concerned and quash the same and direct the respondents to confer all the consequential benefits to the petitioner.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1 & R2
Mr.S.Manohar for R3

ORDER

This writ petition has been filed challenging the impugned order dated 10.03.2022, passed by the second respondent, to recover the payments made to the petitioner towards incentive increment in the year 2016.

2. The petitioner claims that only in accordance with her entitlement on account of acquiring B.Ed. qualification, she was granted incentive increment as per the Government Order in the year 2016. She also claims that the impugned recovery order has been passed contrary to the decision rendered by the Honourable Supreme Court in the case of **State of**



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Punjab and others vs. Rafiq Masih (White Washer) and others, reported in ***(2015) 4 SCC 334***.

3. Counter affidavit has also been filed by the respondents 1 & 2 reiterating the contents of the impugned order and they would submit that only due to the fact that incentive increment was paid to the petitioner wrongly, they had to recover the same from the petitioner.

4. The law is now well settled by the decision rendered by the Honourable Supreme Court in the case of ***State of Punjab and others vs. Rafiq Masih (White Washer) and others***, reported in ***(2015) 4 SCC 334***, wherein, it has been held that recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued, is legally impermissible.

5. In the case on hand, recovery is sought to be made from the petitioner in respect of the incentive increment granted to the petitioner in the year 2016 i.e., five years prior to the passing of the impugned recovery order dated 10.03.2022. The petitioner is also having the benefit of interim stay of



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the operation of the impugned recovery order pursuant to the order passed by this Court on 30.09.2022. In view of the settled law and in view of the fact that recovery is sought to be made by the respondents after a lapse of more than five years from the date when the petitioner was awarded incentive increment, the impugned recovery order has to be quashed and this writ petition has to be allowed.

6. Accordingly, this writ petition is allowed and the impugned recovery order dated 10.03.2022, passed by the second respondent, is hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2025

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

krk

To:

- 1.The District Educational Officer,
Bathalakundu, Dindugal District.
- 2.The Regional Accounts Officer (Audit),
School Education Department,
Madurai.

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ABDUL QUDDHOSE, J.

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