



W.P.(MD)No.25169 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25169 of 2022
and
W.M.P.(MD).No.19268 of 2022

M.Lingamuthu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Finance Department, Secretariat,
Chennai.
- 2.The Forestry Extension Officer,
O/o, the Forestry Extension Officer,
Forestry Extension Division,
Tirunelveli.
- 3.The Principal Accountant General (A and E),
361, Anna Salai,
Chennai-18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in connection with the impugned recovery proceedings issued by him in his proceedings in Se.Mu.Aanai No.51/2017 dated 05.09.2017 and quash the same as illegal and arbitrary and consequently



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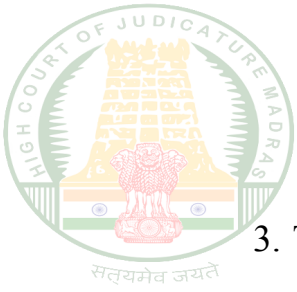
directing the respondents to reimburse the recovered amount of Rs.4,40,201/- with interest and provide all attendant pensionary benefits within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For R-1 & R-2	: Mr.S.Shaji Bino, Special Government Pleader
For R-3	: Mr.P.Gunasekaran

ORDER

This writ petition has been filed challenging the impugned recovery proceedings dated 05.09.2017 issued by the second respondent. The petitioner also seeks for a consequential direction to the respondents to reimburse the recovered amount of Rs.4,40,201/- together with interest to the petitioner.

2. Under the impugned proceedings dated 05.09.2017, the second respondent has recovered a sum of Rs.4,40,201/- from the petitioner's DCRG amount on the ground that excess payment has been made to him on 23.07.2011. The petitioner, who was employed as a Driver and has now retired from service, admittedly belongs to Group-III service.



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3. The learned counsel relies upon the judgment of the Hon'ble Supreme Court in the case of ***State of Punjab and Others vs. Rafiq Masih (white Washer)*** case and would submit that recovery from retired employees who belonged to Group-III service is legally impermissible.

4. On the other hand, the learned Special Government Pleader appearing for respondent Nos.1 and 2 would submit that since this writ petition has been filed after five years from the date of passing of the impugned proceedings, the same has to be dismissed on the ground of laches.

5. Admittedly, the petitioner belonged to Group-III employee and is a Driver employed with the respondents. The ratio laid down by the Hon'ble Supreme Court in ***White Washer case*** is squarely applies to the case of the petitioner as well. In the said decision, the Hon'ble Supreme Court has made it clear that the recovery cannot be made from the retired employees, who belonged to Class III and Class IV Service (Group C and Group-D service). In the case on hand, when it is not in dispute that the petitioner belongs to Group-III category, which falls under the categories mentioned in the ***White Washer case***, the benefit given to those employees will have to be granted to the petitioner as well. The petitioner has retired from service and only after his



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retirement, the impugned proceedings came to be passed in the year 2017 which

discloses that a sum of Rs.4,40,201/- has been recovered from the petitioner out of the DCRG amount, which is not legally permissible, as per the decision rendered by the Hon'ble Supreme Court in the *White Washer case*.

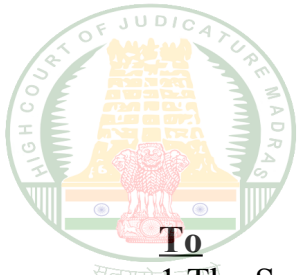
6. Since the respondents have illegally recovered the amount from the petitioner contrary to the decision rendered by the Hon'ble Supreme Court in *White Washer case*, necessarily, the impugned proceedings has to be quashed and a direction has to be issued to the respondents to refund the said amount to the petitioner within a time frame to be fixed by this Court.

7. Accordingly, the impugned proceedings of the second respondent dated 05.09.2017 is hereby quashed and this writ petition is allowed by directing the second respondent to refund the amount of Rs.4,40,201/- recovered from the petitioner to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

23.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

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To

1.The Secretary to Government,
State of Tamil Nadu,
Finance Department, Secretariat,
Chennai.

2.The Forestry Extension Officer,
O/o, the Forestry Extension Officer,
Forestry Extension Division,
Tirunelveli.



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ABDUL QUDDHOSE, J.

TSG

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