



WEB COPY

W.P.(MD) No.27440 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.27440 of 2022

and

W.M.P.(MD) No.21539 of 2022

Freedda Kamala Bai

... Petitioner

-vs-

The Sub Treasury Officer
Aranthangi, Pudukkottai District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the order passed by the respondent in Na.Ka. 1804/2016/A/ 2022 dated 24.11.2022 and quash the same as arbitrary and illegal and in consequence thereof direct the respondent to order to return Rs.16,000/- (Rupees sixteen thousand only) already recovered from the family pension of the petitioner.

For Petitioner : Mr.B.Sekar

For Respondent : Mr.C.Satheesh
Government Advocate



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ORDER

This writ petition has been filed challenging the impugned recovery order dated 24.11.2022, passed by the respondent.

2. The petitioner is the wife of the deceased employee Jawahar Paul Sahayam. According to the respondent, as seen from the impugned order dated 24.11.2022, excess payments were made to the petitioner's husband erroneously while he was in service. Under those circumstances, the impugned recovery order has been passed by the respondent.

3. Admittedly, the impugned recovery order has been passed by the respondent only after the retirement of the petitioner's husband.

4. The law is now well settled by the decision of 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***, that recovery cannot be made from the retired employees.



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5. In the instant case, admittedly, the employee, namely, Jawahar Paul Sahayam has retired from service and therefore, the question of recovering the excess amounts made to him after his retirement through the impugned order does not arise as the same is legally impermissible as per the well-settled law laid down by the Honourable Supreme Court in the aforesaid decision. In view of the settled law, 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 24.11.2022, passed by the respondent, is hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Sub Treasury Officer,
Aranthangi, Pudukkottai District.

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ABDUL QUDDHOSE, J.

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