



W.P.(MD) Nos.24972 to 24975 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
30.10.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.24972 to 24975 of 2025

and

W.M.P.(MD) Nos.19587, 19589, 19593, 19591, 19594, 19590, 19588 & 19592 of 2025

M.Karuppiah ... Petitioner in W.P.(MD).No.24972 of 2025
P.L.Ganapathy ... Petitioner in W.P.(MD).No.24973 of 2025
M.Ashokan ... Petitioner in W.P.(MD).No.24974 of 2025
P.Mahendrakumar ... Petitioner in W.P.(MD).No.24975 of 2025

-vs-

1.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.

2.The Treasury Officer,
District Treasury,
Sivagangai.

3.The Assistant Treasury Officer,
Karaikudi,
Sivagangai District.

... Respondents in all W.Ps.



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COMMON PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or Order or direction, calling for the records of the first respondent i.e., the Revenue Divisional Officer, Devakottai in his proceedings Na.Ka.No. 1594/A2/2024 dated 15.05.2024 and quash the same and consequently direct the third respondent i.e., the Assistant Treasury Officer, Karaikudi to refund the recovery already effected from the month of May, 2024 within a specified time frame that may be fixed by this Court and to pass such further orders.

In all W.Ps.

For Petitioner(s) : Mr.S. Visvalingam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This present writ petition of Certiorarified Mandamus has been filed to calling for the records of the first respondent i.e., the Revenue Divisional Officer, Devakottai in his proceedings Na.Ka.No.1594/A2/2024 dated 15.05.2024 and quash the same and consequently direct the third respondent i.e., the Assistant Treasury Officer, Karaikudi to refund the recovery already effected from the month of May, 2024 within a specified time frame that may be fixed by this Court and to pass such further orders.



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2. Heard Mr.S. Visvalingam, learned counsel appearing for the petitioners, Mr.M.Siddharthan, learned Additional Government Pleader, appearing for the respondents.

3. The case of the Writ Petitioners is that long after their date of retirement they had been issued with an order of recovery from the pension that had been issued to them for the wrongful payment of House Rent Allowance during the period of service. The Writ Petitioner in W.P.(MD).No. 24972 of 2025 had superannuated on 31.01.2015, the Writ Petitioner in W.P. (MD).No.24973 of 2025 had superannuated on 31.08.2010, the Writ Petitioner in W.P.(MD).No.24974 of 2025 had superannuated on 31.08.2013 and the Writ Petitioner in W.P.(MD).No.24975 of 2025 had superannuated on 28.02.2015.

4.It is their case that the Hon'ble Apex Court in the judgment reported in **2015 (4) SCC 344** had held that it would be impermissible in law for recovery from employees belonging to Class-III & Class IV/ Group C and Group D employees, the recovery from retired employees or employees who are



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due to retire within one year of the order of recovery, recovery from the employees when the excess payment has been made for a period in excess of 5 years before the order of recovery is issued, recovery in cases where an employee has been wrongfully been required to discharge duties of higher post and is being paid accordingly and in cases where the Court arrives at a conclusion that if a recovery which is been made from the employees would be iniquitous or harsh and arbitrary to such an extent, as it would far out weigh the equitable balance of the employees right to require.

5. They would also rely upon the Government order issued in G.O. (Ms).No.286 Finance Pension Department dated 28.08.2018, wherein the Government accepting the aforesaid judgment of the Hon'ble Apex Court had formulated a procedure on the recovery of the over paid amount and had mandated that the same should be made from the erring officials who had been responsible for making the payments. Therefore, it is their contention that the impugned order of recovery is wholly illegal and arbitrary that too made after a period of more than 10 years with the each of the petitioners had superannuated.



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6. Countering his arguments, Mr.Siddharthan, learned Additional Government Pleader appearing for the respondents would submit that admittedly there has been an excess payment of House Rent Allowance more than what the petitioners were entitled to. If the amount is not recovered from them, it would amount to allowing an unjust enrichment in favour of the petitioners and in that aspect he seeks this Court to carve out an exception and approve the orders impugned in this Writ Petitions and hence, prays this Court to dismiss these Writ Petitions.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

8. Admittedly, the order of recovery had been made against the petitioners who had superannuated from service long back. Similar orders of recovery had been made against various Village Administrative Officers. A batch of cases in W.A.(MD)Nos.11373 to 11385 of 2024 in its order dated 11.06.2024, this Court had set aside similar orders passed against various other Village Administrative Officer by referring to the judgment of the Hon'ble Apex Court reported in 2015 (4) SCC 344. It is to be further noted that the



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Hon'ble Apex Court in the aforesaid judgment had held that it is impermissible in law for any recovery from retired employees as such of the petitioners and had also held that if the recovery is made from an employees is iniquitous or harsh or arbitrary then such recovery is also impermissible.

9. In the present case, the petitioners have all retired Village Administrative Officers and any recovery from their pension which is their sole source of income to make out their livelihood after their retirement would only be harsh on them and would also be iniquitous. The Government has always a right to recover the amounts from the officers who had been responsible as per their own Government order in G.O.(Ms).No.286, Finance Pension Department dated 28.08.2018.

10. For the aforesaid reasons, the Writ Petitions stands allowed and the impugned orders of recovery are set aside. It is always open to the Government to initiate action against the responsible officers for making such erroneous payments. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

12.12.2025



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

Gba

PRE-DELIVERY ORDER
IN
W.P.(MD) Nos.24972 to 24975 of 2025
and
W.M.P.(MD) Nos.19587, 19589,
19593 & 19591 of 2025

12.12.2025