



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

and

W.M.P.(MD)Nos.24616, 24629, 24634 & 24771 of 2023

W.P.(MD)No.28560 of 2023:

P.Palaniappan

: Petitioner

Vs.

1.The Secretary to Government,
Finance (Pay Cell Department),
Fort St. George,
Chennai – 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

3.The Commissioner of Police,
Madurai City,
Madurai.



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

4.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai – 600 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondents in connection with the impugned order of re-fixation of pay and order of recovery passed by him vide his proceedings in C.No.P2(1)/39865/2022 dated 03.10.2022 and in Na.Ka.No.B2(3)/43926/2022 dated 13.10.2022 respectively and quash them as illegal, arbitrary and consequently direct the respondents to refix the petitioner's pay and pension on par with his batchmates and juniors and thereby direct them to reimburse the recovered amount of Rs.30,942/- in the light of the order passed by the Hon'ble Supreme Court in State of Punjab & others Vs. Rafiq Masih (White Washer) and others reported in 2015 (4) SCC 334 and pay enhanced pension within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents 1 to 3	: Mr.S.Shaji Bino, Special Government Pleader
For Respondent No.4	: Mr.P.Gunasekaran Standing Counsel



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY **W.P.(MD)No.28580 of 2023:**

S.Balakrishnan

: Petitioner

Vs.

1.The Secretary to Government,
Finance (Pay Cell Department),
Fort St. George,
Chennai – 600 009.

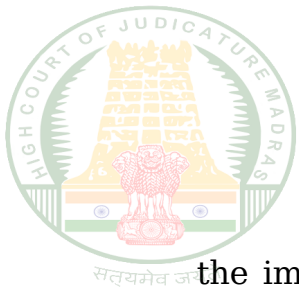
2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

3.The Commissioner of Police,
Madurai City,
Madurai.

4.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai – 600 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th and 3rd respondents in connection with



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

the impugned return of pension proposal by the 4th respondent vide his proceedings in No.P04/4/10431105/ADK/139 dated 05.12.2022 and impugned order of recovery passed by the 3rd respondent in Na.Ka.No.B3(2)/47/18764/2023 dated 26.04.2023 and quash them as illegal, arbitrary and consequently direct the respondents to refix my pay and pension on par with my batchmates and juniors and thereby direct them to reimburse the recovered amount of Rs.34,200/- in the light of the order passed by the Hon'ble Supreme Court in State of Punjab & others Vs. Rafiq Masih (White Washer) and others reported in 2015 (4) SCC 334 and pay enhanced pension within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents 1 to 3	: Mr.S.Shaji Bino, Special Government Pleader
For Respondent No.4	: Mr.P.Gunasekaran Standing Counsel

W.P.(MD)No.28586 of 2023:

S.Selvaraj	: Petitioner
Vs.	

1.The Secretary to Government,
Finance (Pay Cell Department),
Fort St. George, Chennai – 600 009.



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB C

2.The Director General of Police,

Kamarajar Salai,
Mylapore,
Chennai – 600 004.

3.The Commissioner of Police,

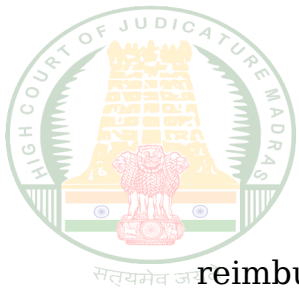
Madurai City,
Madurai.

4.The Principal Accountant General (A&E),

No.361, Anna Salai,
Chennai – 600 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th and 3rd respondents in connection with the impugned return of pension proposal by the 4th respondent vide his proceedings in No.P04/3/10430338/ADK/818 dated 01.08.2022 and impugned order of re-fixation of pay and recovery passed by the 3rd respondent in C.No.P2(1)/34902/2022/CPO.No.1312/2022 dated 17.08.2022 and in Na.Ka.No.B3(3)/24/37920/2022 dated 11.10.2022, respectively and quash them as illegal, arbitrary and consequently direct the respondents to refix the petitioner's pay and pension on par with my batchmates and juniors and thereby direct them to



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY

reimburse the recovered amount of Rs.28,584/- in the light of the order passed by the Hon'ble Supreme Court in State of Punjab & others Vs. Rafiq Masih (White Washer) and others reported in 2015 (4) SCC 334 and pay enhanced pension within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents 1 to 3	: Mr.S.Shaji Bino, Special Government Pleader
For Respondent No.4	: Mr.P.Gunasekaran Standing Counsel

W.P.(MD)No.28725 of 2023:

V.Muthukrishnan : Petitioner
Vs.

1.The Secretary to Government,
Finance (Pay Cell Department),
Fort St. George, Chennai – 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.



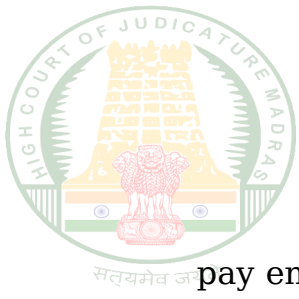
W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB CCM
3.The Commissioner of Police,
Madurai City,
Madurai.

4.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai – 600 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th and 3rd respondents in connection with the impugned return of pension proposal by the 4th respondent vide his proceedings in No.P04/2/10430348/ADK dated 27.07.2022 and impugned order of re-fixation of pay and recovery by the 3rd respondent in C.No.P2(1)/34901/2022 dated 17.08.2022 and in Na.Ka.No.B2(5)/40046/114/2022 dated 30.09.2022, respectively and quash them as illegal, arbitrary and consequently direct the respondents to refix the petitioner's pay and pension on par with his batchmates and juniors and thereby direct them to reimburse the recovered amount of Rs.47,592/- in the light of the order passed by the Hon'ble Supreme Court in State of Punjab & others Vs. Rafiq Masih (White Washer) and others reported in 2015 (4) SCC 334 and



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

pay enhanced pension within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents 1 to 3 : Mr.S.Shaji Bino,
Special Government Pleader
For Respondent No.4 : Mr.P.Gunasekaran
Standing Counsel

COMMON ORDER

These Writ Petitions have been filed challenging the impugned re-fixation of pay orders as well as the recovery orders recovering the excess payments alleged to have been made to the respective petitioners.

2.Since the issue involved in all the Writ Petitions are one and the same, these Writ Petitions are disposed of by a common order.

3.The respective petitioners have challenged the impugned orders on the ground of violation of principles of natural justice and they also claim that the impugned re-fixation orders and the impugned recovery orders are bad in law. According to the



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY

respective petitioners, the impugned recovery orders have been passed in violation of the decision rendered by the Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer)*** reported in ***(2015) 4 SCC 334***. Learned Counsel for the petitioners has also placed on record an order dated 17.04.2023 passed by another learned Single Judge of this Court in W.P.[Md]No.8491 of 2023, involving a similarly placed person who had also challenged similar impugned orders. As seen from the said order, on account of violation of principles of natural justice, the following directions were issued by this Court on 17.04.2023 in W.P. (MD)No.8491 of 2023:

“a)As far as the re-fixation is concerned, the respondents shall issue notice to the petitioner and pass orders, after giving opportunity to the petitioner.

b)As far as the recovery amount is concerned, if the outcome of the enquiry proceedings stated above indicates that the petitioner is entitled to, then the amount shall not be recovered.

c)If the outcome of the enquiry is that the petitioner is not entitled to, then the respondent shall recover 50% of the said amount and 50% shall be waived.”



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY

4.Learned Standing Counsel for the fourth respondent would submit that the order dated 17.04.2023 passed in W.P. (MD)No.8491 of 2023, which is a connected Writ Petition has been adhered to and fully implemented.

5.Therefore, no prejudice will be caused to the respondents if a similar direction is issued in these Writ Petitions as well. Accordingly, the following directions are issued by this Court in these Writ Petitions:

a)As far as the re-fixation is concerned, the third respondent shall issue notice to the petitioner and pass orders, after giving opportunity to the petitioner.

b)As far as the recovery amount is concerned, if the outcome of the enquiry proceedings stated above indicates that the petitioner is entitled to, then the amount shall not be recovered.

c)If the outcome of the enquiry is that the petitioner is not entitled to, then the respondents shall recover 50% of the said amount and 50% shall be waived.”



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY

6.With the aforesaid directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.09.2025

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



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

WEB COPY

To

- 1.The Secretary to Government,
Finance (Pay Cell Department),
Fort St. George,
Chennai – 600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.
- 3.The Commissioner of Police,
Madurai City,
Madurai.
- 4.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai – 600 018.



WEB COPY



W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

ABDUL QUDDHOSE., J.

MR

W.P.(MD)Nos.28560, 28580, 28586 & 28725 of 2023

24.09.2025