



W.P.(MD) No.28084 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
07.11.2025	19.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.28084 of 2025

and W.M.P.(MD) Nos.21842 & 21841 of 2025

Chitra Vadivel

... Petitioner

-VS-

- 1.The Principal Secretary to the Government,
Home & Excise Department,
Secretariat, Chennai – 600 009.3
- 2.The Director General of Police,
Head of Police Force,
Tamil Nadu, Chennai – 600 004.
- 3.The Accountant General (A&E),
361, Anna Salai,
Teynampet, Chennai – 600 018.
- 4.The Superintendent of Police,
O/o.The Superintendent of Police,
Alagarkoil Road, Madurai/



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5.The Treasury Officer,
District Treasury,
Collectorate Complex, Madurai – 625 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandaus to call for the records relating to the impugned proceedings of the fourth respondent bearing Na.Ka.No.M1/ACR/154/2024 dated 22.01.2025 based on the proceedings of the third respondent bearing letter No.P05/1-537118/3/R0537118 dated 04.12.2024 and quash the same and to consequently direct the respondents 1 to 5 to repay the petitioner's recovered amount Rs.3,17,113/- and pass such further or other suitable order.

For Petitioner : M/s.R.Jeya Revathy

For Respondents : Mr.M.Siddharthan for RR1, 2, 4 & 5
Additional Government Pleader

: Mr.P.Gunasekaran for R3
Standing counsel

ORDER

The present Writ Petition has been filed challenging the impugned proceedings of the fourth respondent bearing Na.Ka.No.M1/ACR/154/2024 dated 22.01.2025 based on the proceedings of the third respondent bearing letter No.P05/1-537118/3/R0537118 dated 04.12.2024 and quash the same and for a



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consequential direction to the respondents 1 to 5 to repay the petitioner's recovered amount Rs.3,17,113/-

2. Heard M/s.R.Jeya Revathy, the learned counsel appearing on behalf of the petitioner, Mr.M.Siddharthan, the learned Additional Government Pleader appearing on behalf of the respondents 1, 2, 4 & 5 and Mr.P.Gunasekaran, learned Standing Counsel appearing on behalf of the third respondent.

3. Learned counsel for the petitioner would submit that the petitioner was employed as Grade-I PC on 01.06.1998 and had superannuated from service on 31.05.2024. Pension proposals were forwarded by the fourth respondent to the third respondent. The third respondent by its proceedings dated 04.12.2024 issued a Pension Sanction Order including the payments of DCRG. The fourth respondent by his proceedings dated 22.01.2025 had directed the recovery of a sum of Rs.3,17,113/- by claiming that there has been a wrong payment of annual increments to the petitioner and directed recovery of the same. He would submit that no notice has been issued to the petitioner with regard to the wrong fixation



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and the same had been unilaterally made. He would further submit that the petitioner having retired as early as in the year 2024 cannot be visited with any order of recovery as it goes against the law laid down by the Hon'ble Apex Court in the judgment reported in **2015 (4) SCC 334**. Hence, she would seek indulgence of this Court in quashing the order of recovery and direct the respondents to repay the amount recovered from the petitioner.

4. Countering his arguments, Mr.M.Siddharthan, learned Additional Government appearing on behalf of the respondents 1, 2, 4 & 5 would submit that there had been an erroneous calculation of the increments based upon the upgradation of the post of the petitioner, wherein, he had been wrongly paid totalling a sum of Rs.3,17,113/- which he is not entitled to receive. Hence, by proceedings dated 22.01.2025, the same was ordered to be recovered from him and by a consequential proceedings, the third respondent was advised to withhold the said amount and make the balance payment to the petitioner. He would further submit that the petitioner had voluntarily given a letter dated 28.01.2025 seeking to recover the said amount from his DCRG and pay the remaining



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benefits to the petitioner and therefore, he would submit that the petitioner is now estopped from claiming to refund the amount. Hence, he prays this Court to dismiss the Writ Petition.

5. Mr.P.Gunasekaran, learned Standing Counsel appearing on behalf of the third respondent would reiterate the submissions made by the learned Additional Government Pleader and would further submit that the petitioner cannot be allowed to have an unjust enrichment of the amount which he is not entitled to and it would only cost the State exchequer for such unjustful enrichment. Hence, he also prays this Court to dismiss the Writ Petition.

6. I have considered the submissions made by the learned counsels appearing on behalf of their respective parties and perused the materials available on record.

7. Admittedly, the petitioner had superannuated on 31.05.2024 and his terminal benefits was sanctioned by the third respondent only on 04.12.2024.



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Thereafter, an order of recovery had been issued by the fourth respondent on the claim that the petitioner had been made wrongful payments towards his increments totalling a sum of Rs.3,17,113/-. The said recovery is sought to be made nearly after eight months of the petitioner having superannuated from service.

8. The Hon'ble Apex Court in its judgment reported in ***2015 (4) SCC 334*** had categorically held that there can be no recovery from an employee who had superannuated from service on the premise that there has been a wrongful payment made to him. It is also be to noted that the Government had issued an order in G.O(Ms).No.286, Finance (Pension) Department dated 28.08.2018, in the light of the aforesaid judgment of the Hon'ble Apex Court and had fixed the liability of such wrongful payment on the persons who are responsible for making such wrongful payment without resorting to recover the same from the employee who had superannuated.



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9. The claim made by the learned Additional Government Pleader by placing reliance upon the letter given by the petitioner cannot support the case of the respondents. An employee who had been superannuated as early as on 31.05.2024, had not been paid his terminal benefits on the pretext that the portion of the amount is liable to be recovered from him. Even assuming that the certain portion of the amount is liable to be recovered, it is the bounden duty of the Department to pay the undisputed terminal benefits which admittedly is more than the amount recoverable in this case even according to the respondents.

10. Firstly, the respondent should have an authority to recover such amount. Without authority, when such amount is sought to be recovered from the employee who had superannuated without being conferred with the terminal benefits, it could only be deemed that he had been forced to give such letter for disbursement of the terminal benefits. Hence, the same cannot be put against him.

11. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order dated 22.01.2025 directing recovery of a sum of Rs.3,17,113/-



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stands quashed and the third and fourth respondents are directed to refund the amount so recovered from the petitioner together with statutory interest as per the Provisions of Rule 45A of the Tamil Nadu Pension Rules, 1978 within a period of eight (8) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition are also closed.

19.12.2025

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



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K.KUMARESH BABU, J.

Gba

PRE-DELIVERY ORDER

IN

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