



W.P.(MD).No.31754 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.31754 of 2025

and

W.M.P(MD)No.24927 of 2025

R.Shanmugavel

...Petitioner

Vs

1.The Principal Accountant General
of Tamil Nadu (A and E),
Office of the Principal Accountant General (A and E),
361, Anna Salai,
Chennai - 600 018.

2.The District Health Officer,
Sivakasi Health Unit,
Sivakasi,
Virudhunagar District.

3.The Block Medical Officer,
Government Primary Health Centre,
Thayalpatti,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order passed by the third



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respondent in his proceedings in Na.Ka.No.715/AaSuNe/2025 dated 05.08.2025 in respect of the alleged recovery of excess payment due to wrongful fixation of pay increment for the period from August, 2010 to 30.04.2025 amounting to Rs.6,55,374/- and to quash the same as illegal, arbitrary and in violation of the principles of natural justice and consequently to direct the respondents to refund the sum of Rs. 6,55,374/- with interest at the rate of 12% per annum the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.T.Pradeep
For R1 : M/s.S.Mahalakshmi
Standing Counsel
For R2 & R3 : Mr.F.Deepak
Special Government Pleader

ORDER

This writ petition has been filed for a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No. 715/AaSuNe/2025 dated 05.08.2025 in respect of the alleged recovery of excess payment due to wrongful fixation of pay increment for the period from August, 2010 to 30.04.2025 amounting to Rs.6,55,374/- and to quash the same as illegal, arbitrary and in violation of the principles of



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natural justice and consequently to direct the respondents to refund the sum of Rs.6,55,374/- with interest at the rate of 12% per annum the petitioner within a time frame fixed by this Court.

2. The order of recovery has been made based on the re-fixation of pay after the retirement of the petitioner from service. Applying the principle laid down by the Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer)***, no recovery can be effected after superannuation of the employee. Hence, the recovery made by the respondents from the petitioner is contrary to the decision of the Hon'ble Supreme Court as stated supra.

3. In view of the same, the writ petition stands disposed of with a direction to the respondents to refund the amount recovered from the petitioner. However, the respondents are at liberty to re-fix the petitioner's salary after affording him an opportunity of hearing. Such exercise shall be completed by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. This order shall not preclude the respondents from disbursing the pensionary benefits to the petitioner.



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There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

19.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

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of Tamil Nadu (A and E),
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K.KUMARESH BABU, J.

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