



W.P.(MD).No.33446 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.33446 of 2025

and

W.M.P.(MD).No.26389 of 2025

M.Pandiyan

...Petitioner

-Vs-

1. The Administrative Officer,
District Audit Committee
Office of the Deputy Director of Health Services
Thanjavur District.

2. The Block Medical officer
Government Primary Health Centre
Melattur, Thanjavur District.

...Respondents

Prayer : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na. Ka. No. 732/2025/A2 dated 13.10.2025 and in the consequential impugned order passed by the 2nd respondent in his proceedings in Na Ka. No. 432/2025/A1 dated 12.11.2025 in respect of the action of alleged recovery of excess payment due to wrongful fixation of pay for the period from 01.08.2010 to 31.10.2025 amounting to Rs.4,95,600/- and to quash the same as illegal, arbitrary and in violation of the principles of natural justice



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and pass such further orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For petitioner : Mr.D.Kirubakaran
For Respondents : M/s.F.Deepak
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned order passed by the 2nd respondent in his proceedings in Na. Ka. No. 732/2025/A2 dated 13.10.2025 and in the consequential impugned order passed by the 2nd respondent in his proceedings in Na Ka. No. 432/2025/A1 dated 12.11.2025 in respect of the action of alleged recovery of excess payment due to wrongful fixation of pay for the period from 01.08.2010 to 31.10.2025 amounting to Rs.4,95,600/-.

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.



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

24.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

1. The Administrative Officer,
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Thanjavur District.

2. The Block Medical officer
Government Primary Health Centre
Melattur, Thanjavur District.

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K.KUMARESH BABU.J.
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