



WMP(MD) No.735 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WMP. (MD)No.735 of 2025
and W.P(MD).No.33446 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:- The Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying to clarify the order passed in W.P.(MD).No. 33446 of 2025 dated 24.11.2025 and pass further orders.

For Petitioner : Mr.T.Pradeep
for M/s.Saravanan Associates

For Respondent: Mr.F.Deepak
Special Government Pleader



WMP(MD) No.735 of 2025

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ORDER

This Miscellaneous Petition has been filed to clarify the order passed in W.P.(MD).No.33446 of 2025 dated 24.11.2025, which had been passed under the assumption that the petitioner had superannuated from service. But, however, the petitioner continues to be in service and would superannuate only on 31.03.2026.

2. In view of the same, paragraph no.2 of the order made in WP(MD).No.33446 of 2025, dated 24.11.2025 shall stand deleted and to be replaced with the following:-

“Applying the principle laid down by the Hon’ble Apex Court in the case of State of Punjab and others Vs. Rafiq Masih (white Washer’s case), no order of recovery would be made even one year preceding the date of superannuation and in this case, the recovery proceedings were initiated in October, 2025. The respondents do not have authority to order recovery.”



WMP(MD) No.735 of 2025

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3. With the above clarification, this Miscellaneous Petition stands disposed of. Registry is directed to make the above corrections in the order dated 24.11.2025 and issue a fresh order copy

13.03.2026

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

Gba

To

1. The Administrative Officer,
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Office of the Deputy Director of Health Services,
Thanjavur District.
2. The Block Medical Officer,
Government Primary Health Centre,
Melattur, Thanjavur District.



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WMP(MD) No.735 of 2025

C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Gba

WMP. (MD)No.735 of 2025
and W.P(MD).No.33446 of 2025

13.03.2026