



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.911 of 2026

1. The Director of Public Health and
Preventive Medicine, Chennai 6.

2. The District Health Officer
Thirupathur.

..Appellant(s)

Vs

M. Jayaseelan

..Respondent(s)

To set aside the order dated 27.06.2025 made in W.P.No.23218 of 2025
and allow this Writ Appeal.

For Appellant(s):

Ms.M.Sneha
Special Counsel
for Health and Family Welfare Department

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the
Writ Court dated 27.06.2025 made in W.P.No.23218 of 2025.

2. The respondent was the writ petitioner, who, after rendering long
years of service, retired from service on 31.05.2024. After his retirement,
an order has been passed by the appellant Department on 21.06.2024
that, from 01.08.1997 till his superannuation date, that is on 31.05.2024,
5% special pay has been excessively paid, which comes to Rs.4,44,460/-,



which has to be recovered from his retiral benefits. Subsequently, on 30.09.2024, an order was passed seeking objections, if any, from the employee/writ petitioner within fifteen days for recovering the said amount, which is allegedly paid excessively to the extent of Rs.4,44,460/-

3. This order dated 30.09.2024 has been challenged before the Writ Court, where, the learned Writ Court, having considered the factual matrix, held that, since the respondent/writ petitioner retired on 31.05.2024 on superannuation and thereafter only it has got emanated from the employer only in the month of June, 2024 and followed by in the month of September, 2024, that is well after his superannuation and retirement, the same cannot be permitted and is impermissible in law as has been declared by the Hon'ble Supreme Court in the case of **State of Punjab and Ors. Vs. Rafiq Masih (White Washers)**¹. Following the said dictum, the learned Judge has allowed the writ petition through the order impugned dated 27.06.2025.

4. We are in complete agreement with the view taken by the learned Judge in following the dictum in **White Washers'** case (cited *supra*), as admittedly, the respondent/writ petitioner since retired on 31.05.2024, thereafter, since the said proceedings are issued for recovery of amount after retirement, such kind of situation is one of the situations where these kinds of recovery is impermissible, as has been declared by

¹ 2015 (4) SCC 334



the Hon'ble Supreme Court in the case of **White Washers'** case (cited *supra*).

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5. In that view of the matter, this writ appeal is liable to be dismissed, accordingly, it is dismissed. No cost. Consequently, C.M.P.No.9633 of 2026 is closed.

(R.S.K.,J.) (N.S.,J.)
21-04-2026

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

(*drm*)

To:

1. The Director of Public Health and Preventive Medicine, Chennai 6.
2. The District Health Officer, Thirupathur.



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R.SURESH KUMAR, J.
AND
N.SENTHILKUMAR, J.

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