



WEB COPY

WA No. 1001 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1001 of 2026

and

CMP NO. 10286 OF 2026

1. The State Of Tamil Nadu
Represented By Its Additional
Chief Secretary To The Government,
Home (Police) Department,
Fort St. George,
Chennai - 600 009.
2. The Director General Of Police (I And O)
(Head Of Police Force)
Office Of The Director General Of Police,
Mylapore,
Chennai - 600 004.
3. The Deputy Director
Tamil Nadu Police Academy,
Chennai - 127.

..Appellant(s)

Vs

1. S.Sankar
S/O R. Srinivasan,
Sub Inspector Of Police (Retired)
S.I. No. 9442,
Door No. 10/3(3/3),
Chelliamman Colony,
2nd Street,
Peravallur,
Chennai - 600 099.
- 2.
3. The Principal Accountant General A And E
Tamil Nadu, Teynampet,
Chennai



..Respondent(s)

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Writ Appeal filed under Clause 15 of the Letters Patent to set aside the impugned order dt. 15.07.2025 made in W.P. No. 17085 / 2025

WA No. 1001 of 2026

For Appellant(s): Mr.R.Sankar,
Government Counsel

For Respondent(s): Mr. V. Lakshminarayanan
for R1
Mr.P.Manorajan for R2

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The State preferred the present intra-Court Appeal, challenging the writ order dated 15.07.2025 passed in w.P.No.17085 of 2025.

2. The 1st respondent retired from service on 20.02.1986 and the order of recovery came to be passed on 26.11.2024, to recover the excess pay which was granted in the year 2002. The recovery order which was under challenge in the writ proceedings itself was issued after a lapse of about 38 years. Thus, the writ Court set aside the recovery order and confirmed the re-fixation made by the respondent in accordance with the pay rules and by relying on the judgment of the Hon'ble Supreme Court in the case of **State of Punjab and others vs. Rafiq Masih (White Washer) and Others**, reported in **(2015) 4 SCC 334**.



3. Recovery of excess pay cannot be made for retired employee which would result in hardship. The principles applied by the writ Court are in tune with the judgment of the Hon'ble Supreme, Court. Therefore, no further interference is called for. Consequently, the writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)

01-06-2026

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

VSI

To

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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

VSI

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