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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 8948 of 2026
CNR:{HCMA010519542026}
& WMP Nos. 9650, 9651 & 22791 of 2026

Abraham T J

..Petitioner(s)

Vs

The Registrar,
Central University of Tamil Nadu (CUTN),
Thiruvarur, Tamil Nadu 610005.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records of the respondent in its orders F.No.PF-6-38/15-Estt-T/2112 dated 10.03.2022 and F.NO.PF-6-75/2016-ESTT-T/4023 dated 16.12.2025 and quash the same and consequently direct the respondents to refund to the petitioner the amounts already recovered.

For Petitioner(s): Mr.V.Vijayashankar

For Respondent(s): Mr.K.Srinivasamurthy

ORDER

The case of the petitioner, as pleaded in the affidavit filed in support of the writ petition, is as under:-

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1.1. The petitioner was appointed as ‘Lecturer’ in the English subject at S.H College, Thevara, Kochi, in the year 1992 and thereafter joined St. Thomas College, Pala, Kerala (a Government-Aided College), in the year 1994. He was promoted to the post of ‘Lecturer, Senior Scale’ and ‘Lecturer, Selection Grade’ in the years 1997 and 2001, respectively. Thereafter, he was further promoted to the post of ‘Associate Professor’ and continued as such till 30.09.2015 and was relieved from the said College pursuant to the selection and appointment of the petitioner as ‘Associate Professor’ in the respondent University, in which the petitioner joined as ‘Associate Professor’ on 01.10.2015. The petitioner also claimed that, at the time of joining, he was informed that his pay would be fixed at the minimum of the pay scale applicable to the post of ‘Associate Professor’ and that any monetary benefits received by him from the previous employer would be ignored by the respondent University. Thus, he claims that he has foregone nine years and eight months of service as ‘Associate Professor’ in a College in Kerala and accordingly took voluntary retirement from St. Thomas College.

1.2. It is further stated that, while things stood thus, suddenly, on 28.12.2021, i.e., six years after the petitioner joined the respondent University, an Office Memorandum reducing the pay of the petitioner with effect from 01.10.2015 was issued, fixing the salary of the petitioner at the stage last drawn by him in St. Thomas College and indicating that the pension received by the petitioner from 01.10.2015 from the Kerala Government would be deducted from his monthly salary. Accordingly, the pension component of Rs.50,479/- was

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deducted from the salary of the petitioner from the month of December, 2021. It was thereafter, the respondent University issued proceedings dated 10.03.2022, requiring the petitioner to refund an amount of Rs.19,02,275/- consequent upon re-fixation of his pay. The petitioner claimed to have resisted the said claim on various grounds by submitting representations from time to time. However, the respondents, without acceding to the request of the petitioner, informed him on 16.12.2025 that the said amount of Rs.19,02,275/- would be recovered in monthly instalments at the rate of Rs.1,00,000/- per month from the month of December, 2025, and accordingly, the recovery was commenced from the month of December, 2025. Aggrieved by the said proceedings dated 10.03.2022 and the consequential proceedings dated 16.12.2025, the petitioner has approached this Court by filing the present writ petition, contending that the pay of the petitioner was initially fixed without any misrepresentation on his part and that, suddenly, after a period of six years, the same was revised. Further, it is also contended that there are certain errors in the re-fixation order, whereby the ignorable portion of the pension to the tune of Rs.15,000/- with effect from 01.01.2016 was not given effect to, but the same was given effect to only with effect from 01.07.2019, contrary to the relevant orders issued by the Government from time to time. It is further contended that recovery of the huge amount of Rs.19,02,275/- from the petitioner, who is due for retirement on 31.05.2028, is also highly arbitrary and is causing harassment to the petitioner.

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2. In response to the notice issued by this Court, the respondent University filed a detailed counter affidavit contending that, after the petitioner joined as 'Associate Professor' on 01.10.2015, the petitioner, for the first time, submitted a request to the respondent University on 09.10.2020, furnishing copies of the pension documents issued by the Office of the Accountant General (A&E), Thiruvananthapuram, and requested that no part of his pension be deducted from his salary, as his last drawn salary was not protected when he joined the respondent University. He also requested that, if the respondent University was planning to deduct part of his pension from his salary, his pay should be re-fixed by protecting his last drawn pay. Thereafter, the petitioner submitted a revised Pension Payment Order dated 31.10.2017 on 11.11.2020. It was further stated that, pursuant to the said request made by the petitioner and in the light of the orders issued in the CCS (Revised Pay) Rules, relating to persons re-employed in Government service after retirement, i.e., O.M. No.3/3/2016-Estt. (Pay II) dated 01.05.2017, the pension of the petitioner was re-fixed on 28.12.2021 and, accordingly, the pension component was deducted from the salary payable to the petitioner. Consequent upon the said re-fixation order dated 28.12.2021, by which the pay of the petitioner was re-fixed with effect from 01.10.2015, it was found that an amount of Rs.19,02,275/- had been paid in excess to the petitioner from the date of joining and, accordingly, the petitioner was required to refund the said amount. Thereafter, there was a correspondence between the petitioner and the respondents on various aspects and,

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finally, after the petitioner was informed that his request for non-recovery could not be considered, the respondent University issued proceedings dated 16.12.2025, proposing to recover the said amount in monthly installments from the month of December, 2025. Thus, in a nutshell, the case of the respondent University is that it was only pursuant to the request made by the petitioner to re-fix his pay on 09.10.2020, the pay of the petitioner was re-fixed and that there is no justification for the petitioner to contend that he was shocked by the re-fixation of his pay, etc.

3. Heard Mr.V.Vijayashankar, learned counsel for the petitioner and Mr.K.Srinivasamurthy, learned counsel for the respondents.

4. The learned counsel for the petitioner, while contending that the recovery of the huge amount of Rs.19,02,275/- from the petitioner, that too by re-fixing his pay six years after the petitioner entered into service in the respondent University, is highly arbitrary and is causing hardship to the petitioner, as he is due to retire on attaining the age of superannuation in the month of May, 2028, further submits that the ignorable component of Rs.15,000/- out of the pension drawn/being drawn by the petitioner has been given effect to with effect from 01.01.2016, but the respondents have erroneously given effect to the same with effect from 01.07.2019. Further, the learned counsel for the petitioner placed reliance on a decision of the Hon'ble Apex Court in the case of '***State of Punjab v. Rafiq Masih***', reported in **(2015) 4 SCC 334**, and contended that, in the light of the law

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laid down by the Hon'ble Apex Court in the said decision, recovery from the petitioner at this length of time is not permissible.

5. On the other hand, Mr.K.Srinivasamurthy, learned counsel appearing for the respondent contended that it was only pursuant to the request made by the petitioner to re-fix his pay, the pay of the petitioner was revised in accordance with law and, accordingly, the proceedings dated 28.12.2021 were issued, duly re-fixing the pay of the petitioner in the post of 'Associate Professor' in the respondent University with effect from 01.10.2015, and the same was given effect to. Accordingly, the pension component is being deducted from the re-fixed salary of the petitioner. He further submits that the impugned proceedings are only consequential to the said re-fixation order dated 28.12.2021 and the petitioner, having requested re-fixation of his pay in the year 2020, cannot complain on the ground that the same was done belatedly by the respondent University. Thus, he submits that re-fixation of the pay of the petitioner was done strictly in accordance with law, duly applying the relevant Office Memorandums issued from time to time, and, therefore, the petitioner cannot have any grievance against the consequential proceedings, which are impugned in the present writ petition.

6. This Court has carefully considered the submissions made on either side and also perused the entire material on record.

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7. The affidavit filed in support of the writ petition proceeds as if the respondents themselves proposed to revise and re-fix the pay of the petitioner in the year 2020 all of a sudden, after a period of six years from the petitioner joining the respondent University, proposing to recover an amount of Rs.19,02,275/- in an arbitrary manner. However, for reasons best known to him, the petitioner has suppressed the fact that he himself approached the respondent University on 09.10.2020 by furnishing his pension documents for the first time and requested that the pension component not be deducted from his salary or, alternatively, his pay be re-fixed by protecting his last drawn pay and then the pension component may be deducted from his salary. It was only pursuant to the said request of the petitioner, the respondent University issued the proceedings dated 28.12.2021, re-fixing the pay of the petitioner and there is no challenge to the said Office Memorandum dated 28.12.2021, whereby the pay of the petitioner was re-fixed. The petitioner also allowed the respondents to act upon the said proceedings by deducting pension component from the month of December, 2021 and did not raise any objection to the same. But when the respondents issued the proceedings dated 10.03.2022, which are in the nature of consequential proceedings to the proceedings dated 28.12.2021, the petitioner appears to have raised a hue and cry, objecting to the demand for refund of Rs.19,02,275/-. Even at that stage, the respondent University, having acceded to the request of the petitioner, waited for a considerable time and entertained continued correspondence from the petitioner. It was only in the month of December, 2025, through proceedings dated 16.12.2025,

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the respondent University proposed to recover the said amount in monthly installments commencing from the month of December, 2025. It was at that stage that the petitioner approached this Court by filing the present writ petition.

8. Thus, from the above, what emerges is that the petitioner has chosen to challenge only the consequential proceedings dated 10.03.2022 and 16.12.2025, without there being any challenge to the proceedings dated 28.12.2021, whereby the pay of the petitioner was re-fixed. In the absence of any challenge to the said proceedings dated 28.12.2021, any challenge to the consequential proceedings dated 10.03.2022 and 16.12.2025 cannot be entertained. On this ground alone, the challenge to the impugned proceedings shall fail.

9. Insofar as the reliance placed by the learned counsel for the petitioner on the decision of the Hon’ble Apex Court is concerned, in the considered view of this Court, the said decision has absolutely no application to the facts of the case on hand, as the pay of the petitioner has been re-fixed on his own request and there is nothing before this Court to contend that the said re-fixation is not in accordance with law.

10. In the light of the above, this Court does not find any reason to interfere with the impugned proceedings and, accordingly, the writ petition is dismissed.

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However, if the petitioner is still of the view that the ignorable portion of the pension should have been given effect to from 01.01.2016, but was given effect to only from 01.07.2019, he is at liberty to make a representation before the respondent University and, in such a case, the respondent University shall consider the same and pass appropriate orders thereon in accordance with law. No costs. Connected miscellaneous petitions, if any, shall stand closed.

20-11-2026

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

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To

The Registrar
Central University of Tamil Nadu (CUTN)
Thiruvarur, Tamil Nadu 610005.

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