



WEB COPY

WP No. 10424 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 10424 of 2026
& WMP.No.11297 of 2026**

P.Venkatesan
S/o.Poodhuval Chetty
7-1-197/1, Compost Road,
Jalakandapuram Post,
Mettur Taluk,
Salem District
Pin: - 636 501.

..Petitioner(s)

Vs

1. The Regional Joint Director,
Treasuries & Accounts Department,
Vellore - 632 006.
2. The Assistant Treasury Officer,
Sub Treasury, Mettur,
Salem District Pin: 636 401.
3. The Assistant Executive Engineer
(Agricultural Engineering)
Mettur, Salem District,
Pin: 636 401.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records relating to the impugned order of the Second Respondent in Na.Ka.No.2326960/2025/Aa dated 20.01.2026 and quash the same.

For Petitioner(s):

Mr.P.Manojkumar

For Respondent(s):

Mr.P.Balathandayutham,
Special Government Pleader



ORDER

The writ petition has been filed seeking for the following prayer;

“for a Writ of Certiorari, to call for the records relating to the impugned order of the Second Respondent in Na.Ka.No.2326960/2025/Aa dated 20.01.2026 and quash the same.”

2.The petitioner was appointed as Assistant Soil Conservation Officer in the Agricultural Engineering Department, Government of Tamil Nadu on 07.02.1983 and promoted to the post of Assistant Engineer on 20.11.2007 and voluntarily retired from service on 31.05.2012 while serving as Assistant Engineer at the Office of the Assistant Executive Engineer (Agricultural Engineering), Mettur.

3.The petitioner’s pension was initially fixed based on pay revisions under successive Government Orders implementing the 6th Pay Commission recommendations, including upward revisions via One Man Commission 2009 (G.O.Ms.No.259 dated 26.08.2010) and subsequent adjustments. However, following multiple reviews, downward revisions, court interventions, and recommendations by the Pay Grievance Redressal Cell 2012 and the Pay Grievance Redressal Committee 2019, the Government finalized the pay scale for Assistant Engineers in G.O.Ms.No.402, Finance (Pay Cell) Department,



dated 12-11-2020, restoring it to Rs.9300-34800+Grade Pay Rs.5100 (pre-revised equivalent), with notional effect from 01.01.2006 with specific directions in para 18 that any excess emoluments/pension drawn up to October 2020 shall not be recovered. Despite this explicit no-recovery clause, the Assistant Treasury Officer, Sub Treasury, Mettur, issued the impugned order in Na.Ka.No.2326960/2025/Aa dated 20-01-2026, demanding recovery of Rs.5,20,821/- as excess pension from 01-10-2017 to 31-12-2025 based on a 2025 audit report and directed re-fixation of pension without issuing prior notice or affording an opportunity of hearing to the petitioner. Hence, the petitioner is before this Court challenging the recovery order.

4.Considered the rival submissions and perused the materials available on record.

5.It is seen that the recovery order has been passed without issuing show cause notice or putting the petitioner on notice as to the manner in which the excess payment has been calculated and as to how the recovery is sought for in total contravention of the dicta laid down in the Judgment of the Hon'ble Supreme Court in *State of Punjab & Ors Vs Rafiq Masih* reported in (2015) 4 SCC 334, which goes by the moniker *White Washer case*.



6. Considering the fact that the impugned order has been passed arbitrarily without notice to the petitioner, the Writ Petition is allowed. The recovery order is quashed. It is open to the respondents to issue a fresh show cause notice to the petitioner, hear the petitioner and thereafter pass orders on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

17-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG



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P.T.ASHA, J.

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