



WEB COPY

WP No. 10967 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

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

WP No. 10967 of 2026

S.Ravichandran
S/o.Sampath,
Plot No.1686 5th Cross Street,
Ram Nagar South, Madipakkam,
Chennai-600 091.

..Petitioner

Vs

1. The Principal Accountant
General of Tamil Nadu (A and E)
Office of the Principal Accountant General (A and E)
361, Anna Salai, Chennai-600 018.
2. The District Health officer
District Health office,
Poonamalee, Chennai-600 056.
3. The Block Medical Officer
Primary Health Centre,
Nemam - 600 124
Tiruvallur District.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to impugned proceedings dated 20.02.2026 passed in Na.Ka. 61/2025/A1 on the file of the 3rd respondent quash the same, consequently directing the respondents to refund the recovered amount of Rs.6,42,314/- and fix petitioner last drawn pay scale as Rs.71,600/- which was received on 30.06.2025 with all attendant benefits within a stipulated period of time as fixed by this Honourable Court



For Petitioner :

Mr.R.Ezhilarasan

For Respondents:

Mr.A.N.R. Jaya Prathap
Standing Counsel for R1

Mr.M.Bindran
Additional Government Pleader for R2 & R3

ORDER

The writ petition has been filed seeking the following relief :

“ To calling for the entire records relating to impugned proceedings dated 20.02.2026 passed in Na.Ka. 61/2025/ A1 on the file of the 3rd respondent quash the same, consequently directing the respondents to refund the recovered amount of Rs.6,42,314/- and fix petitioner last drawn pay scale as Rs.71,600/- which was received on 30.06.2025 with all attendant benefits within a stipulated period of time.”

2. The petitioner who was appointed as Multipurpose Health Assistant in the Health Department on 24.07.1989 and had been promoted to the cadre of Health Inspector Grade I and subsequently as Block Health Supervisor, had retired from service on 30.06.2025, on attaining the age of superannuation. The respondents 2 and 3 had submitted the petitioner's pension proposal to the 1st respondent, by fixing his last drawn pay as Rs.75,900/-. The 1st respondent vide communication dated 03.09.2025 had



returned the pension papers to the 3rd respondent, directing him to review the scale of pay of the petitioner. The 3rd respondent thereafter had generously revised the pay scale by fixing a lesser pay with effect from 01.07.2006 and ordered the recovery of amounts paid by them between the period 01.7.2006 to 30.06.2025 through the impugned proceedings dated 20.02.2026. It is challenging this order, the petitioner is before this Court.

3. The issue is squarely covered by the judgment of the Hon'ble Supreme Court in ***State of Punjab and others Vs Rafiq Masih (White Washer) and others*** reported in (2015) 4 SCC 334. The Hon'ble Supreme Court had ultimately summarised the issue of recovery where payments have been mistakenly paid by the employer in excess of the entitlement. It had also detailed the situation where recovery was impermissible and the same is extracted hereunder :

“ 18. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law :

- i. Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).
- ii. Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.



- iii. *Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- iv. *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- v. *In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.” ½*

4. Following the above judgment, the State of Tamil Nadu had passed G.O.(Ms) No.286 Finance (Pension) Department, dated 28.08.2018, issuing guidelines to the Administration Department of the Secretariat, Heads of Departments and Heads of Offices to deal with the issue of wrongful and excess payments made to the Government servants. The Government had directed that issue relating to wrongful / excess payments to Government servants, pensioners, family pensioners should be dealt in tune with the aforesaid judgment of the Hon'ble Supreme Court.

5. The Hon'ble Supreme Court in its judgment cited supra had made it clear that the recoveries by the employers cannot be made in the case of persons



belonging to Class-III or Class-IV or Group-C and Group-D services, from retired employees or employees due to retire within a year. Therefore, the petitioner herein had retired from services on 30.06.2026, the impugned order cannot be sustained.

6. Accordingly, the writ petition is allowed and the impugned proceedings of the 3rd respondent dated 20.02.2026 is hereby quashed. The respondents are directed to refund the sum of Rs.6,42,314/- , which was recovered from the petitioner and also to fix the petitioner's last drawn pay scale at Rs.71,600/-. No costs.

25-03-2026

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

DS

To:

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