



WEB COPY

WP No. 11761 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

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

WP No. 11761 of 2026

and

WMP Nos.12829& 12830 of 2026

G. Parthiban
S/o p. Govindan,

..Petitioner(s)

Vs

1. The Director of Public health and preventive Medicine
Chennai 600 006
2. The Accountant General (A and E)
Anna Salai,
Chennai 600 008
3. The Deputy Director of Health Officer,
O/o The Deputy Director health office,
Cuddalore.
4. The Block Medical Officer
Government Primary Health Centre,
Oriyur,'
Cuddalore district

..Respondent(s)

This writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the concerned records relating to the order in R.No.990/ A1/ 2024 dated 05.05.2025 passed by the 4th respondent and quash the same and consequently direct the 3rd respondent to refund the recovered amount of Rs.3,75,739/- to the petitioner.



For Petitioner(s): Mr.K. Sathiyavel

For Respondent(s): Mr. Bindran, AGP

ORDER

This writ petition has been filed seeking issuance of a writ of certiorarified mandamus to quash the proceedings of the fourth respondent in R.No.990/A1/2024 dated 05.05.2025 and consequently direct the respondents to refund the amount recovered from the petitioner's DCRG,

2. The case of the petitioner is that he joined service as a Leprosy Inspector on 25.05.1989 at GLCU, Virudhachalam. He was awarded selection grade on 25.05.1999. Subsequently, on 02.03.2021, he was promoted as a Non-Medical Supervisor, (DDMS-Leprosy), Cuddalore District. On attaining the age of superannuation, the petitioner retired from service on 31.05.2025. At the time of his retirement, the scale of pay is Rs.88,000/-.

3. The grievance of the petitioner is that the fourth respondent, by proceedings dated 05.05.2025, informed that an excess sum of Rs.3,75,739/- had been paid to the petitioner for the period from 01.08.1997 to 30.04.2025



and that the same would be recovered from his retirement gratuity. Aggrieved by the same, the present writ petition has been filed.

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4. The petitioner would submit that the alleged excess payment is on account of erroneous pay fixation by the respondents themselves and that the same cannot be recovered after his retirement. It is further submitted that the recovery pertains to a period for exceeding five years, which is impermissible in view of the law laid down by the Hon'ble Supreme Court in ***State of Punjab and others /vs/ Rafiq Masih (While Washer)*** reported in **2015 (4) SCC 334**.

5. Heard the learned counsels on either side and perused the materials available on record.

6. In the present case, the recovery sought to be made relates to a period far exceeding five years and the wrong pay fixation has been done by the respondents themselves. Further, the impugned order does not specify how the pay fixation is erroneous. Apart from setting out the pay scale of the petitioner, the fourth respondent has straightaway proceeded to hold that a sum of Rs.3,75,739/- paid in excess has to be recovered from the petitioner. Therefore, the impugned order cannot be sustained.



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7. The Hon'ble Supreme Court, in the aforesaid *While Washer's case* had flagged certain situations wherein recovery of excess payment is impermissible. One of the criteria is set out in paragraph 18(iii), which reads as follows

“18...(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.”

Hence, the present case squarely falls within this situation.

8. Accordingly, the writ petition is allowed and the impugned order dated 05.05.2025 is quashed. The respondents are directed to refund the sum of Rs.3,75,739/- recovered from the petitioner's DCRG, within a period of eight(8) weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petitions are closed.

30-03-2026

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

MRP



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