



WEB COPY



W.P.No.11838 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.11838 of 2021
and
W.M.P.Nos.12584 to 12586 of 2021

P.Rajendran

... Petitioner

vs

1. The Secretary
Health and Family Welfare Department,
Fort St. George,
Chennai.
2. The Director,
Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai – 06.
3. The Deputy Director of Medical Services,
Namakkal.
4. The Block Medical Officer,
Government Primary Health Center,
Vinaiteerthapuram,
Namakkal District.
5. The Branch Manager,
O/o. The Principal Accountant General (A & E),
361, Anna Salai, Chennai – 18.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the proceedings in R.No.306/A3/2019 dated 04.05.2021 on the file of the fourth respondent and quash the same and pass orders.

For Petitioner : Mr.K.S.Gowtham
for Mr.S.C.Vishwanth

For Respondents : Mr.K.Tippusulthan
Government Advocate for R1 to R4
: Mr.V.Vijayshankar
Standing Counsel for R5

ORDER

Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 4 and the learned Standing Counsel for the fifth respondent and perused the records.

2. The petitioner, by the writ petition, has assailed the action of the respondents in issuing the impugned proceedings dated 04.05.2021 whereby the respondents sought to recover an amount of Rs.3,51,966/- claiming the same to be excess drawn amount to which the petitioner is not entitled to.

3. Admittedly, the petitioner was working as Multipurpose Health Supervisor. Further, the impugned proceedings itself records that the petitioner having retired from service on 31.03.2020 and that the position in which, the



petitioner had retired from service falls under Ground “C” category of employment. It is a settled position of law that in respect of amount paid to the employees in Group “C” and “D” is concerned, no recovery can be made, more particularly, after having retired from service. [*State of Punjab and others V. Rafiq Masih(White Washers) and others* reported in *2015 (4) SCC 334*]

4. This Court in various decisions like in W.P.Nos.33040, 25149, 10907, 30344 and 9243 of 2019 applying the aforesaid law laid down by the Hon’ble Supreme Court in respect of employees falling under Group “C” and “D”, has held that no recovery can be made, as the excess amount paid to an employee is without the fault of the said employee.

5. Even in the facts of the present case, it is not shown to this Court that the excess payment made to the petitioner is on account of any misrepresentation by him during the period mentioned in the impugned order.

6. In view of the above, for the reasons recorded by this Court in earlier orders (supra), this Court is of the view that the impugned order cannot be sustained.



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7. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, connected Miscellaneous Petitions are closed. No costs.

08.01.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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T. VINOD KUMAR, J.

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