



WEB COPY

WP No. 15350 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 15350 of 2021

and W.M.P.No.16236 of 2021

K.V.Selvaraj

..Petitioner(s)

Vs

1.The State of Tamil Nadu,
Rep by its Secretary,
Home (Police) Department, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police
Coimbatore City, Coimbatore.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for records relating to the 2nd respondent made in Na. Ka. No. P3 / 44399 / 2019 dated 04.05.2021, to quash the same and to consequently direct the respondents to continue to pay pension and other pensionary benefits without any revision and re-fixation.

For Petitioner(s): Ms. SNEHA

FOR Mr.L.Chandrakumar

For Respondent(s): Mrs.V. YAMUNADEVI SGP

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on



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2. The case of the petitioner in brief is that he had joined service as Grade-II Police Constable on 25.10.1989 and retired from service on 28.02.2018 in the rank of Head Constable /Special Sub-Inspector of Police and all his retirement benefits have been fixed and paid by the respondents at the time of he attaining the age of superannuation.

3. It is the further case of the petitioner that after his retirement and after a lapse of 3 years the respondent have issued the impugned proceedings dated 04.05.2021 seeking to recover an amount of Rs.6,24,551/- claiming the same as excess payment made during his service period from 1989 to 2018 and directed the petitioner to deposit the aforesaid sum, which action of the respondent it is contended as highly illegal, arbitrary and contrary to the law laid down by the Hon'ble Apex Court in the case of ***State of Punjab vs. Rafiq Masi (White Washer case)*** reported in 2015 4 SCC 334

4. On behalf of the petitioner, it is further contended that since, the petitioner had joined as Grade-II-Police Constable and retired as Head Constable /Special Sub-Inspector of Police, the service of the petitioner would fall under category of Group-C of the employment and for the said reason also, the respondents cannot recover the excess payment which is



alleged to have been made during the period of his service from 1989 to 2018.

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5. Counter affidavit on behalf of the 2nd respondent is filed.

6. The respondent by the counter affidavit contended that excess payment to the petitioner was made without taking into consideration the punishment awarded to the petitioner and as such, the respondent authorities have issued impugned proceedings seeking for recovery.

7. Contending as above, the respondents seeks to justify their action.

8. I have taken note of the respective contentions urged by the learned counsel on either side.

9. Admittedly, the alleged excess payment to the petitioner was made while in service i.e., during the period 1989 to 2018; that such payment is made not on account of any misrepresentation by the petitioner but is purely on account of the action of the respondents themselves. That being the case, the respondents after 3 years of petitioner retiring from



service cannot seek to recover the amount as mentioned in the proceedings dated 04.05.2021 claiming the same as excess payment made to the petitioner while in service. That apart, since the petitioner having retired in the post of Head Constable /Special Sub-Inspector of Police, which admittedly falls in category/Gropu-C employment, applying the ratio laid down by the Hon'ble Apex Court in the case of *State of Punjab vs. Rafiq Masi (supra)*, the respondents cannot resort to recover the amount as claimed in the impugned proceedings or re-fix the pension.

10. Accordingly, the writ petition is allowed and the impugned proceeding dated 04.05.2021 is set aside. No costs. Consequently connected miscellaneous petition is closed.

04-02-2026

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

MSV
To
1.The Secretary,
State of Tamil Nadu,
Home (Police) Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police
Coimbatore City, Coimbatore.



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T.VINOD KUMAR, J.

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