



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

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CORAM

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

**WP No. 18064 of 2026
and
WMP Nos.19427 and 19435 OF 2026**

V.Balakrishnan
S/o.Venugopal,
Sub Inspector of Police (Retired)
PPO No.RO 533199,
No.68, South Street, Koodananal,
Budalur Main Road, Thirukkattupalli,
Budalur Taluk,
Thanjavur District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Additional
Chief Secretary to the Government
Home (Police) Department,
Fort St. George, Chennai-600 009
2. The Principal Accountant General (A and E)
Tamil Nadu,
Teynampet, Chennai.
3. The Director General of Police (L and O)
(Head of Police Force)
Office of the Director General of Police,
Mylapore,
Chennai-600 004



4. The Superintendent of police
Ariyalur,
Ariyalur District.

5. The Addl. Superintendent of Police,
Head Quarters,
Thirchirappali District.

..Respondent(s)

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus call for the records in pursuant to the impugned order issued by the 5th respondent in No. 778/ 2023 NA.KA. No. B2/ 24898/ 2023 dated 07.09.2023 and impugned order issued by the 4th respondent in proceeding D.O. No.666/ 2023 NA.KA. No.B7/ 15880/ 2023 dated 26.09.2023 and quash the same consequently direct the respondents 1 to 6(i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.4,68,865/-.

For Petitioner(s): Ms. V.Lakshmi Narayanan

For Respondent(s): Mr.V.Sivalingam,
Government Advocate for
R1,R3 to R5,
Mr.P.Manorajan,
Standing Counsel for R2



ORDER

The Writ petition is filed for the following relief:

“To issue a writ of certiorarified mandams to call for the records in pursuant to the impugned order issued by the 5th respondent in No. 778/ 2023 NA.KA. No. B2/ 24898/ 2023 dated 07.09.2023 and impugned order issued by the 4th respondent in proceeding D.O. No.666/2023 NA.KA.No.B7/ 15880/ 2023 dated 26.09.2023 and quash the same consequently direct the respondents 1 to 6(i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to refix his pension and pay the arrears of pension and (iii) to repay to the petitioner the recovered amount of Rs.4,68,865/-.”

2. The petitioner was appointed as a Grade II Police Constable in the Tamil Nadu Police Department on 31.04.1988 and further was promoted to the post of Sub-Inspector. He had attained superannuation on 30.06.2023 at which point he was working in Venganur Police Station as Special Sub-inspector of Police.

3. The Petitioner would submit that after retirement in the month of September 2023 he was issued with an impugned order of reduction and



re fixation of his pay by proceedings dated 07.09.2023 and 26.09.2023 and further recovery of a sum of Rs.4,68,865/- was also ordered.

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4. The Petitioner would submit that he was no way responsible for the excess payment for the period of 01.10.2007 to 30.06.2023. Therefore, aggrieved the petitioner is before this Court.

5. Heard the learned counsels for the petitioner and the respondents.

6. The issue of recovery was subject matter of the Judgement of the *State of Punjab vs. Rafiq Masih (White Washer) etc.*, reported in **2015 (4) SCC 334**. The Hon'ble Supreme Court has held that the recovery cannot be done without issuing a show cause notice.

7. That apart, the Hon'ble Supreme Court has laid down five contingencies where recovery by the employers was impermissible in law. One of which was recovering excess payment made 5 years before the order of recovery was issued.

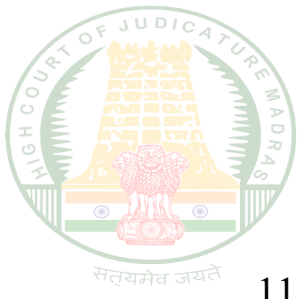


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8. In the judgement of this Court in W.P.No.6401 of 2025, this Court had directed refund of the money already recovered within a period of 6 weeks from the date of receipt of the order with interest at 6% p.a.

9. In the instant case also the impugned order directs that the sum of Rs.4,68,865/- should be recovered from the petitioner's pensionary benefits and credited to the Government account.

10. In the light of the aforesaid Judgement of this Court, the amount which has been paid to the petitioner as early as in the year 1988 cannot be sought to be recovered. In case amount has been recovered the same shall be refunded the petitioner within a period of 2 months from the date of receipt of a copy of this order.



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11. Accordingly, the Writ petition is partly allowed directing refund of the amounts recovered and with reference to the other relief pertaining to re-fixation the petitioner is directed to give a representation on such representation been made, the same shall be considered and orders passed within a period of two months after the affording a personal opportunity to the petitioner to put across his objections to the re-fixation of pay. Consequently, the connected miscellaneous petition is closed. No costs.

02-06-2026

Index: Yes/No

Speaking/Non-speaking order

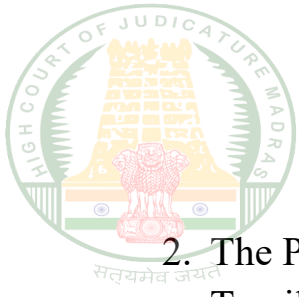
Neutral Citation: Yes/No

SRN

To

1. The Additional
Chief Secretary to the Government,

State of Tamil Nadu
Home (Police) Department,
Fort St. George,
Chennai-600 009



2. The Principal Accountant General (A and E)
Tamil Nadu,
Teynampet, Chennai.

3. The Director General of Police (L and O)
(Head of Police Force)
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Ariyalur,
Ariyalur District.

5. The Additional Superintendent of Police,
Head Quarters,
Tiruchirapalli District.



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WP No. 18064 of 2



P.T.ASHA J.

SRN

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(1/2)