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WP No. 20823 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

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THE HON'BLE MR.JUSTICE T. VINOD KUMAR

**WP No. 20823 of 2021
and W.M.P.No.22093 of 2021**

K.Virumandi

..Petitioner(s)

Vs

1.The State of TamilNadu

Rep by its Secretary to Government, Environment
and Forest Department,
Fort St.George, Chennai-9

2.The Principal Chief Conservator of Forest
Panagal Building,
Saidapet, Chennai-15

3.The Principal Accountant General (A and E)
No.361 Anna Salai, TamilNadu, Chennai-18

4.The Assistant Treasury officer,
Usilampatti, Madurai District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in No.AG (A and E) / PEN.P21/ 12123766/ 3 / R2121649 dated 08.04.2021 and to quash the same with consequential direction to the respondents to refund the amount of Rs.1,10,000/- (Rupees One lakh and ten thousand only) recovered from the petitioner within time frame.

For Petitioner(s):

Ms.K.Jenitha

For Respondent(s):

Mr.Veluchamy for R1 and R2
Additional Government Pleader
Mr.V.Vijayshankar for R3
Standing Counsel



Mrs.V.Yamunadevi for R4
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first and second respondents and learned Standing Counsel for the 3rd respondent and learned Special Government Pleader for the fourth respondent and perused the materials available on record.

2. The case of the petitioner in brief is that he had retired from service on 30.04.2018 as Forest Watcher and his pension was sanctioned vide proceedings in No.P21/12121649/3/PPO No. R2121649/FOR dated 13.06.2019; that the respondents after authorising pension payment have issued the impugned proceedings dated 08.04.2021 claiming to have made excess payment of pension, commuted value and DA in a sum of Rs.2,18,152/- by way of reduction of pension sanctioned to him. It is the further case of the petitioner that as the respondent threatened to stop payment of pension, if he did pay back the excess pension drawn, under coercion, he had remitted an amount of Rs.1,10,000/- and seeking refund of such payment he is approaching the Court by the present writ petition.

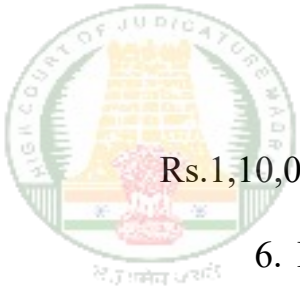
3. The petitioner further contended that he having retired from services on 30.04.2018 and the respondents having fixed his pension on 13.06.2019, cannot



now claim that the petitioner having received excess pension, as the aforesaid fixation has been undertaken by the respondents by themselves and there is no misrepresentation on behalf of the petitioner in getting the pension payment fixed or paid by the respondents.

4. It is the further contention of the petitioner that he had retired in the post of Forest Watcher and the said service fall under the category of Group “D” employees and as such, the respondents cannot recover excess payment if any made / paid, which has been paid to him not on account of any misrepresentation by him; and that the aforesaid recovery is contrary to the law laid down by the Hon’ble Apex Court in the case of *State Of Punjab vs Rafiq Masih (White Washers) and others* reported in (2015) 4 SCC 334.

5. Per contra, learned Government Advocate and learned Standing Counsel appearing for the respondents while not disputing the legal position, submits that on petitioner retiring from service on 30.04.2018, he had approached this Court by filing a writ petition and pending the aforesaid writ petition, the payment of pension was authorised on 13.06.2019 and in the meantime, the petitioner was paid pension and other emoluments in excess of his entitlement and for the said reason, the impugned proceedings have been issued seeking to recover the excess amount of Rs.2,18,152/- and on the being issued with the said proceedings the petitioner himself made a payment of



Rs.1,10,000/- to the 4th respondent by way of cash.

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

7. The fact of petitioner having retired on 30.04.2018 while working as Forest Watcher and that the aforesaid post falls under “Group-D” category of employment is not in dispute. There is also no controversy or dispute that the petitioner plays no role in fixation of pension or the payments to be made by the respondent authorities.

8. On petitioner retiring from service on 30.04.2018, the respondents having authorised for payment of pension on 13.06.2019, had determined his entitlement for pension, gratuity, and commutation amount and on the basis of the calculation arrived at by them and have made the payment to the petitioner.

9. The respondents having determined amounts due and payable to the petitioner cannot now after a period of 2 years after authorising pension, claim that there has been excess payment of pension amount, gratuity amount, and commutation amount, for them to take steps to recover the same by issuing the impugned proceedings.

10. Further, the petitioner being a Group-D employee, the respondents cannot seek to recover the alleged excess payment if any in the light of the



decision of Hon'ble Apex Court in the case of ***State Of Punjab vs Rafiq Masih (White Washers) and others (supra)***.

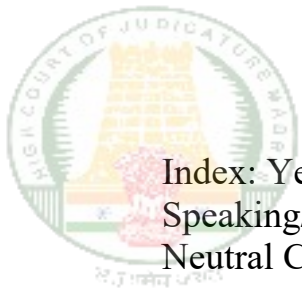
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11. The aforesaid principal laid down by the Hon'ble Apex Court has been reiterated again in the case of ***High Court of Punjab and Harayana and others vs. Jegdev Singh*** reported in **(2016) 14 SCC 267**.

12. This Court in similar circumstances applying the principal laid down by the Hon'ble Apex Court, had held that in case of Group-C and D employees, the respondents cannot be allowed to recover the excess amount paid which is not attributable to any misrepresentation on part of the employee. Since, in the facts of the present case, as it is an admitted fact that there has been no misrepresentation on the part of the petitioner, this Court is of the view that the impugned proceedings as issued by the 2nd respondent cannot be sustained.

13. Accordingly, this writ petition is allowed and the impugned proceedings is set aside. It is made clear that if any recovery is made on the basis of the impugned proceedings, the respondents shall refund the aforesaid amount to the petitioner without petitioner having to make any application in this regard. No costs. Consequently connected miscellaneous petition is closed.

19-02-2026



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

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MSV

To

1.The Secretary to Government,
State of TamilNadu
Environment and Forest Department,
Fort St.George, Chennai-9

2.The Principal Chief Conservator of Forest
Panagal building, Saidapet, chennai-15

3.The Principal Accountant General (A and E)
No.361 Anna salai, TamilNadu, Chennai-18

4.The Assistant Treasury officer
Usilampatti, Madurai District.

T.VINOD KUMAR, J.

MSV

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