



W.P.No.22114 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.22114 of 2021

M.Jayaraj

... Petitioner

vs

1. The Director,
The Directorate of Stationary & Printing
No.110, Anna Salai,
Chennai – 600 002.

2. The Assistant Director,
Government Central Press,
Mint, Chennai – 600 079.

3. The Work Manager,
Government Central Press,
Chennai – 600 079.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the record of the impugned proceeding No.Ma.A.No.G1/4499/2020 dated 06.01.2021 of the second respondent and quash the same as null and void and consequently direct the first and second respondents herein to pass appropriate order to refund the sum of Rs.4,58,160/- (Rupees Four Lakhs Fifty Eight Thousand One Hundred and Sixty 1/10



W.P.No.22114 of 2021

only) unlawfully recovered vide proceeding No.A.My/A.Ce.Mu Order

No.G1/15843/2016 of the third respondent dated 28.02.2019 from terminal benefits of the writ petitioner and pass orders.

For Petitioner : Mr.G.Thangavel
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents and perused the record.

2. The petitioner by the writ petition has assailed the action of the second respondent in issuing the proceedings dated 06.01.2021, whereby, the representation submitted by him for refund of unlawful recovery has been rejected.

3. The petitioner contends that he had joined the services of first respondent on 29.04.1991 as binder and retired from service on 31.07.2019; that during the tenure of his service, the respondents have alleged that the petitioner having drawn excess payment in the form of Grade pay, DCRG, etc., and that the third



W.P.No.22114 of 2021

respondent by issuing proceedings dated 28.02.2019, had recovered the amount, which is alleged to have been made in excess of his entitlement.

4. Petitioner further contended that since, he was on the verge of retirement in the month of July, 2019 and under the apprehension that in the event of he objecting to the aforesaid recovery, the respondents may not allow him to retire and also not sanction the retiral benefits, had given consent for recovery of the excess amount, on the respondents initiating recovery of the alleged excess amount paid to him by way of deduction of Rs.4,000/- from May, 2018.

5. It is the further case of the petitioner that as the petitioner comes under Group 'C' category of employee, no recovery of any alleged excess payment can be made, referred to, in the light of the Judgment of the Hon'ble Apex Court in ***State of Punjab and others Vs. Rafiq Masih (White Washer) and others reported in ((2015) 4 SCC 334)***

6. On behalf of the petitioner, it is also contended that since, the respondents have recovered Rs.4,710/- from the petitioner's monthly salary on 15 installments and the remaining amount recovered from the retirement benefits, the petitioner



W.P.No.22114 of 2021

approached the respondents and submitted a representation dated 16.03.2020 seeking refund of amount recovering monthly and from Death cum Retirement Gratuity and on the respondents not considering the aforesaid representation, he had approached this Court by filing W.P.No.16861 of 2020; and that this Court, by order dated 15.12.2020, directed the respondents to consider and dispose of the aforesaid representation.

7. On this Court directing the respondents to dispose of the representation submitted by the petitioner seeking refund of amount recovered from him, the respondents have passed the impugned order rejecting the claim, without considering the recovery made by them is contrary to law laid down by the Hon'ble Supreme Court.

8. Aggrieved by the aforesaid rejection, the present writ petition is filed.

9. Per contra, the learned Special Government Pleader appearing on behalf of the respondents submits that on the respondents initiating action to recover the excess payment received by him while in service, by way of monthly deduction of Rs.4,710/-, the petitioner did not assail the action of the respondents and on the



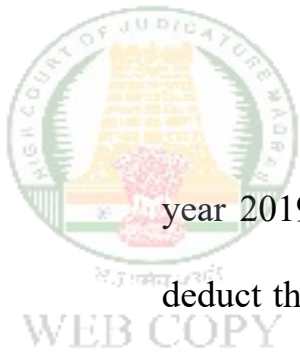
other hand, had consented for a deduction including the recovery of balance amount, at the time of his retirement in lumpsum.

10. The learned Special Government Pleader submits that accordingly, the respondents have deducted a sum of Rs.2,31,010/- from DCRG.

11. The learned Special Government Pleader further submits that since, the respondents had already recovered the amount in the year 2019 itself, if the petitioner had felt the said action to be illegal, he ought to have taken steps by initiating necessary proceedings seeking for refund of the said amount, instead of approaching the respondents by submitting a representation or approaching this Court by the present writ petition on the respondents rejecting the said representation.

12. I have taken note of the respective contentions as urged.

13. Admittedly, in the facts of the present case, the petitioner did not assail the action of the respondents when the respondents resorted to in recovering the amount which is alleged as excess payment made to the petitioner, either in the



W.P.No.22114 of 2021

year 2019 while the petitioner was in service or when the respondents sought to deduct the balance amount from the petitioner's retirement benefits in the form of DCRG. On the other hand, the petitioner consented for the recovery of the alleged excess payment made to him in the form of monthly deduction of Rs.4,710/- and the balance amount from DCRG at the time of his retirement; and that on the basis of consent given by the petitioner, the respondents have recovered the Excess payment amount. Since, the petitioner had kept quiet at the time when the respondents resorted to recovery, even though it is contrary to law as laid down by the Hon'ble Apex Court, the petitioner having not resisted the aforesaid action of the respondents, cannot now claim that he is entitled for refund of aforesaid amount recovered by the respondents.

14. Further, it is also to be noted that the recovery is already effected by the respondents from the salary of the petitioner and also retirement benefits and as the petitioner claims that the aforesaid recovery is illegal and unlawful and he having given consent fearing that he would not be allowed to retire or his retirement benefits would not be settled, being disputed question of fact, cannot be gone in a writ petition filed under Article 226 of the Constitution of India. The petitioner is required to avail civil remedy by initiating appropriate proceedings against the



W.P.No.22114 of 2021

concerned authorities by approaching the Competent Court of civil jurisdiction.

WEB COPY

15. It is a settled position of law that the Writ Court cannot direct refund the amount other than the amount which is collected without authority or law and for such purpose.

16. Notwithstanding the fact of the respondents had recovered the aforesaid amount from the petitioner's salary as well as the retirement benefits during the year 2018-2019 and the petitioner having approached the respondents authorities by submitting representation on 16.03.2020 at least on the respondents rejecting the representation, the petitioner at least thereafter ought to have taken steps by approaching the competent Civil Court, instead of approaching this Court by invoking extra ordinary jurisdiction under Article 226 of the Constitution of India.

17. Since, in the facts of the present case, the petitioner being aggrieved by the proceedings dated 06.01.2021, having filed the present writ petition, this Court is of the view that the petitioner should be relegated to avail the appropriate civil remedy. Granting liberty as noted above, the writ petition is disposed of.



W.P.No.22114 of 2021

18. However, taking note of the fact that the limitation prescribed for availing civil remedy had lapsed during the pendency of the present Writ Petition before this Court, and as this Court is now relegating the petitioner to avail appropriate civil remedies, this Court is of further considered view that the time spent by the petitioner in pursuing the Writ Petition filed before this Court on 22.09.2021, till today, shall stand excluded by applying Section 14 of the Limitation Act, for calculating the limitation prescribed under the Limitation Act.

No order as to costs.

03.02.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



W.P.No.22114 of 2021

To

1. The Director,
The Directorate of Stationary & Printing
No.110, Anna Salai,
Chennai – 600 002.
2. The Assistant Director,
Government Central Press,
Mint, Chennai – 600 079.
3. The Work Manager,
Government Central Press,
Chennai – 600 079.



WEB COPY



W.P.No.22114 of 2021

T. VINOD KUMAR, J.

dh

W.P.No.22114 of 2021

03.02.2026