

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

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

WP No. 21924 of 2026

AND

WMP NO. 23767 OF 2026

F.Mary Jamuna

..Petitioner(s)

Vs

1. The Pension Pay Officer
Pension Pay office,
Chennai-600 035
2. Office of the Accountant General
(Accounts and Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai-600 018

..Respondent(s)

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the proceedings passed by the 1st respondent in Na.Ka. No.2314069/ 2026/ P3 dated 23.03.2026 and consequently direct the respondents to continue to deposit a sum of Rs.58,806/- the actual pension as paid till March 2026 and direct to repay the amount deducted in the month March and April 2026 to the petitioner.



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For Petitioner(s): Mr.K.R.Gunashekar

For Respondent(s): Mr.K.Sathish,
Government Advocate-R1

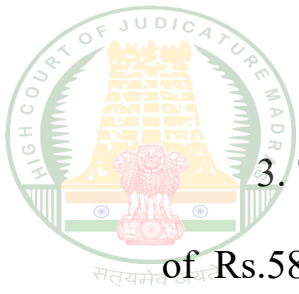
Mr.P.J.Rishikesh,
Standing Counsel - R2

Order

This writ petition is filed for the following relief:

“To call for the records pertaining to the proceedings passed by the 1st respondent in Na.Ka. No.2314069/ 2026/ P3 dated 23.03.2026 and consequently direct the respondents to continue to deposit a sum of Rs.58,806/- being the actual pension paid till March 2026 and further direct the respondents to repay the amount deducted in the months of March and April 2026 to the petitioner.”

2. The petitioner would submit that he was working as a BT Head Mistress in the CSI(GM) Middle School, Chennai 600 079 and retired from service on 30.06.2019.



3. The case of the petitioner is that she had been receiving a pension of Rs.58,806/- per month. Subsequently, by the impugned proceedings dated 23.03.2026, the respondents had reduced the pension payable to the petitioner from Rs.58,806/- to Rs.47,272/- on the ground that excess payment had been made earlier and that recovery was liable to be effected from her pension. Challenging the said proceedings and the consequential recovery, the petitioner has approached this Court.

4. Heard the learned counsel on either side and perused the records.

5. The issue relating to recovery of excess payments made by an employer from its employees is no longer res integra. The Hon'ble Supreme Court, in *State of Punjab and Others v. Rafiq Masih (White Washer) and Others*, reported in **(2015) 4 SCC 334**, has laid down certain guidelines regarding the circumstances under which recovery would be impermissible in law. The relevant portion of the judgment reads as follows:

(i) Recovery from employees belonging to Class III and Class IV service (or Group 'C' and Group 'D' service).



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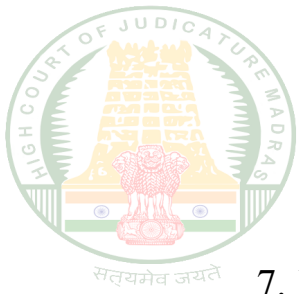
(ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

(iii) *Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

(iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

(v) *In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.*

6. In the case on hand, the petitioner retired from service on 30.06.2019. The impugned recovery proceedings has been issued only on 23.03.2026, nearly seven years after her retirement. The petitioner, being a retired employee, squarely falls under clause (ii) of the guidelines laid down by the Hon'ble Supreme Court in *Rafiq Masih (White Washer)*. Therefore, the respondents are not entitled to effect recovery from the pension payable to the petitioner.



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7. In view of the above discussion, the impugned proceedings of the first respondent dated 23.03.2026 is set aside and the Writ Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

18-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

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2. Office of the Accountant General
(Accounts and Entitlements) Tamil Nadu,
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P.T.ASHA J.

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