



W.P.No.27049 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.27049 of 2021
and WMP.No.28507 of 2021
and WMP.No.11225 of 2022

K.Panchatcharam

... Petitioner

vs

1.Assistant Executive Engineer (Agricultural Engineering) in charge
Government Agricultural Engineering Tractor Workshop
Vellore – 2.

2.The Accountant General
AG's Office Complex, Teynampet,
Anna Salai, Chennai - 600 018.

3.Pension Pay Officer
Treasury and Finance Department
Integrated Finance Department Complex,
Veterinary Hospital Campus,
No.571 Anna Salai, Nandanam, Chennai – 600 035.

... 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 records relating to the impugned letter No.A1/1161/2006 dated 01.12.2021 issued by the 1st respondent and quash the same and consequently direct respondents to not to deduct any money from pension of petitioner since such act of deduction is illegal,



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arbitrary, without jurisdiction, violation of Principles of natural justice.

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For Petitioner : Mr.K.M.Ramesh
For Respondent s : Mrs.V.Yamunadevi, Spl.GP for R1 to R3.
Mr.J.Sreevidhya, SC for R2.

ORDER

Heard the learned senior counsel for the petitioner and the learned Special Government Pleader appearing for R1 and R3 and the learned Standing Counsel for R2 and perused the records.

2. The petitioner by the present writ petition had assailed the action of the first respondent in issuing the impugned proceeding seeking to recovery an amount of Rs.2,51,669/- from his pension, claiming the same as excess paid amount on the ground that in 1992 the petitioner pay scale was fixed wrongly.

3. It is the further contention of the petitioner that the petitioner had retired from service on 30.06.2004 while working as Welder Grade-I which falls under Group-C category of service.

4. The petitioner further contended that the 1st respondent before issuing the impugned proceedings not only did not issue any notice to the petitioner, but



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also failed to take note of the fact that no such recovery can be made after the petitioner having retired from service more than 16 years back and is being aged about 76 years at the time when the impugned proceedings is issued.

5. On behalf of the petitioner it is further contended that the action of the 1st respondent in issuing the present impugned proceedings seeking to recover the amount mentioned therein is contrary to the law laid down by the Hon'ble Apex Court in the case of **State of Punjab V. Rafiq Masih (White Washer) and others – 2015 (4) SCC 334**.

6. The learned counsel for the petitioner also contended that this Court in various decisions applying the aforesaid principle laid down by the Hon'ble Apex Court had allowed the writ petition by setting aside the impugned proceedings.

7. The learned Special Government Pleader appearing on behalf of the respondents and the learned standing counsel appearing for the respondents while not disputing the factual aspect, however seeks to sustain the impugned order.



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8. I have taken note of the respective contentions of the parties.

9. Admittedly, the respondent by the impugned proceedings is seeking to recover the amount mentioned therein claiming that on account of wrong fixation of pay scale of the petitioner in the year 1992, resulted in excess payment to him, which the authorities intended to recover.

10. However, it is to be noted that wrong fixation of the pay scale of the petitioner in the year 1992 is not on account of any misrepresentation by the petitioner but such fixation of pay scale is done by the respondent themselves and thus the payment of excess payment of salary paid is purely on account of the action of the respondents. Further, the petitioner having retired from service on 30.06.2004 and the respondent having fixed the pension of the petitioner on his retirement. Thus, the action of the respondent seeking to recover the amount mentioned in the impugned proceedings claiming the same as excess payment on account of fixation of pay scale wrongly in the year 1992, after a lapse of 16 years, in the considered view of this Court is clearly an high handed action. Further, the said action of the respondents is contrary to the law laid down by the Hon'ble Apex



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Court in the case of *Rafiq Masih (cited supra)*, as the petitioner falls in Group-C category of employee, whereby no amount can be recovered from him, as the said payment was made not on account of any misrepresentation by the petitioner, but on account of lapses on the part of the respondents.

11. Accordingly, the writ petition is allowed, the impugned order dated 01.12.2021 passed by the 1st respondent is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

22.01.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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Vellore – 2.

2.The Accountant General
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T. VINOD KUMAR, J.

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