



WEB COPY

WA No. 387 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WA No. 387 of 2026
&
CMP NO. 3536 OF 2026**

1. The State

represented by Secretary to Government,
Home Department,
Fort St. George,
Chennai.

2. The Superintendent of Police

Ariyalur District.

..Appellants

Vs

1. A. Rengarajan

S/O.Alagarsamy,
248, Nesavalur Colony,
Govindapuram,
Thuraiyur Taluk,
Tirhcy District,
Trichy-621 008

2. The Accountant General

(Accounts and Entitlements),
The State of Tamil Nadu,
361, Anna Salai,



Teynampet,
Chennai 018.

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..Respondents

WA No. 387 of 2026:

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.09.2024 made in WP No.22759/2024 and allow this Writ Appeal.

For Appellants:	Mr.S.Yaswanth Additional Government Pleader
For Respondent(s):	Mr.M.Himaranth for Ms.A.Shanmugapriya for R1 Mr.V.Vijayashankar Standing counsel for R2

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been preferred against the order passed by the Writ Court dated 10.09.2024 made in W.P.No.22739 of 2024.

2.This is the case where, the respondent/writ petitioner on the verge of superannuation, had been served with an order refixing his salary.

3. The respondent/writ petitioner initially was enlisted as Police



Constable Grade II in the year 1984 and subsequently earned promotion and ultimately reached the position of Special Sub Inspector of Police on 01.08.2010. In that capacity, he worked for more than 13 years and attained superannuation on 30.11.2023.

4. Just three months prior to his retirement, a proceedings was issued on 21.08.2023, whereby, a refixation of the salary had been made by the Appellant/Department on the basis of the pay disparity with one A. Ranganathan. After the superannuation on 30.11.2023, on 06.12.2023, further proceedings had been issued by the Appellant/Department for recovery of a sum of Rs.3,10,323/- from the respondent/writ petitioner as an excess payment. Challenging these orders only, the said Writ Petition was filed.

5. The learned Judge, in so far as the refixation of writ petitioner's basic pay is concerned, after finding out the reasons, has concluded that the revision of basic pay made by the Appellant/Department in respect of the writ petitioner by issuing order dated 21.08.2023 is to be sustained, therefore it cannot be interfered with. But at the same time, after his superannuation-cum-retirement on 30.11.2023, since the recovery order was passed on 06.12.2023, that is impermissible, therefore that order alone was set aside and since the amount has already been recovered from his retirement benefits, the same was directed to be refunded to the petitioner within a period of four weeks and if not, the



order is complied, the amount would fetch interest at the rate of 6% per annum till the date of payment.

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6. Against this order only, the present Writ Appeal though had been filed by the appellants /Department, no appeal has been preferred by the 1st respondent /writ petitioner with regard to the refixation of the salary against the order dated 21.08.2023. Therefore, in so far as the order dated 21.08.2023, refixing the salary of the writ petitioner is concerned, the issue had been concluded.

7. However, in so far as the recovery proceedings, which was issued on 06.12.2023, that is after his superannuation is concerned, the learned Judge rightly interfered with the same as the writ petitioner has been superannuated and was permitted to retire as early as on 30.11.2023, therefore, after he retired from service, since the relation of employer and employee ceased to be in existence, the said proceedings of recovery issued on 06.12.2023 cannot be sustained in the eye of law. Hence, the said order was set aside by the Writ Court.

8. That apart, even as per the law declared by the Supreme Court in the case of ***State of Punjab and others etc. Vs. Rafiq Masih (white washer) etc.*** reported in ***(2014) 13 S.C.R.1343***, such a recovery is impermissible after the



retirement, as that was one of the situation among the five situations mentioned in the said judgment. Therefore in addition to the reason that has been given by the learned Judge, as per the order of the Supreme Court in White Washer's case also, such a recovery is impermissible, hence there was every justification on the part of the Writ Court to interfere with the recovery order dated 06.12.2023.

9. Since this appeal has been preferred only against such portion of the order passed by the Writ Court, the appeal has to naturally fail.

10. It is further brought to our notice by Mr.M. Himavanth, learned counsel appearing for the writ petitioner that the order of the Writ Court has been complied with and the recovered amount has been paid back to the respondent/writ petitioner on 15.02.2026 belatedly. In the said order, the learned Judge has made very clear that if the amount is not refunded within the time stipulated by the court, it will carry an interest of 6% from the date of recovery till the date of actual payment.

11. Therefore, from the date of recovery, the said amount should carry the interest of 6% till the date of payment i.e., 15.02.2026, as admittedly, the orders have been complied with only on 15.02.2026 not within the time frame of four weeks granted by the Writ Court, by its order dated 10.09.2024.



12. In view of the above, the following orders are passed in the Writ Appeal.

(i) *That the appellants are directed to calculate the interest at the rate of 6% for the money which was originally recovered and refunded now on 15.02.2026 to the 1st respondent/writ petitioner and pay the same from the date of recovery till the date of 15.02.2026 within a period of eight weeks from the date of receipt of a copy of this order, failing which, it would carry the further interest of 6% totalling 12% on the expiry of total period from the date of receipt of copy of this order.*

(ii) *In respect of other aspects of the order passed by the Writ Court, as We discussed herein above, the order impugned does not warrant any interference at our hands.*

13. Hence the Writ Appeal is liable to be dismissed with the above said directions and accordingly, it is dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] [S.S.A.,J.]
17-02-2026

Index: Yes/No
Speaking/Non-speaking order



Neutral Citation: Yes/No
msr

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To

The Accountant General
(Accounts and Entitlements),
The State of Tamil Nadu,
361, Anna Salai,
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