



WEB COPY



W.A.No.186 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.186 of 2026

1. The State of Tamil Nadu
Rep. By its Principal Secretary to the Government
Home (Police) Department, Fort St. George
Chennai – 600 009.
 2. The Director General of Police (L&O)
(Head of Police Force)
Office of the Director General of Police
Mylapore, Chennai – 600 004.
 3. The Commissioner of Police
Avadi Commissionerate, Chennai.
 4. The Joint Commissioner of Police
East Zone, Chennai.
 5. The Joint Commissioner of Police
West Zone, Chennai.
 6. The Additional Commissioner of Police
Head Quarters & Traffic
Avadi Police Commissionerate. .. Appellants
- Vs.
1. S.Saravanan
 2. The Principal Accountant General (A&E)
Tamil Nadu, Teynampet, Chennai. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 11.07.2025 made in W.P.No.25122 of 2025.



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For the Appellants : Mr.E.Veda Bagath Singh
Special Government Pleader

For the Respondents : Mr.V.Lakshminarayanan
for R1

Mr.P.Manorajan
Standing Counsel
for R2

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 11.07.2025 made in W.P.No.25122 of 2025.

2. That the first respondent/writ petitioner, against whom, recovery proceedings were initiated, that too after retirement. When this was questioned before the Writ Court, the learned Writ Court applied the ratio of the judgment of the Hon'ble Supreme Court in the case of ***State Of Punjab & Ors vs Rafiq Masih (White Washer)***¹ and set aside the order of recovery and further directed to refund the amount of Rs.2,50,543/- to the first respondent/writ petitioner without any interest within a period of three months.

3. Though aggrieved by the said order, the present intra-Court appeal has been directed, the learned Special

¹ AIR 2015 SUPREME COURT 696



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Government Pleader appearing for the appellants would not dispute the legal proposition as has been enunciated in the case of **White Washer** (cited *supra*), where, five such situations have been provided by the Hon'ble Supreme Court, under which, such kind of recovery has been declared to be impermissible.

4. One such situation being, against a retired person after superannuation, such recovery is not permissible as declared by the Hon'ble Supreme Court. Here, in the case in hand, such move since has been taken by the appellant Department, the same has been interfered by the learned Judge, thereby, the writ petition was allowed through the impugned order.

5. We do not find any plausible reason to interfere with the said reason, as a result of which, this writ appeal is liable to be dismissed, accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.1702 of 2026 is closed.

(R.S.K., J.) (S.S.A., J)
13.02.2026

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
(drm)



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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