



WEB COPY

WA No. 1126 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1126 of 2026

&

C.M.P.No.11205 of 2026

1. The Secretary
Health And Family Welfare Department,
Fort St George
Chennai
2. The Director
Publication and Preventive Medicine,
DMS Complex,
Teynampet,
Chennai 600 006.
3. The Deputy Director of Health Services
Now Renamed as District Health Officer,
Cheyyar,
Thiruvannamalai
4. The Block Medical Officer
Government Primary Health Centre,
Thellar 604 406.
Thiruvannamalai District

..Appellant(s)

Vs

1. E.Kannan
S/o. A. Elumalai,
2. Principal Account General of Tamil Nadu
Office Of The Principal Accountant General,
Accounts And Entitlements,



No. 361 Anna Salai,
Teynampet,
Chennai

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3. The District Treasurer Officer
Thiruvanamalai District
4. The Sub Treasury officer
Vandavasi Taluk,
Tiruvannamalai District

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 25.06.2025 passed in WP No. 22773 of 2025.

For Appellant(s): Dr.R.Gowri
State Government Pleader

For Respondent(s): Mr. S. C. Viswanath
Learned Counsel For R1
(vide Court Order Date 09/04/2026) in Sr Stage

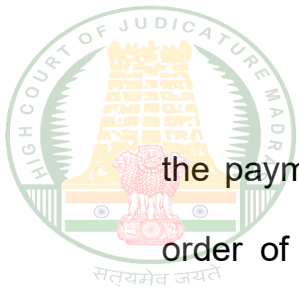
Mr. P. Manorajan
Learned Standing Counsel For R2

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

State preferred the present intra court appeal challenging the writ order dated 25.06.2025 in W.P.No.22773 of 2025.

2. The respondent was in Government service and his pay was revised by the Department based on the Government orders and Pay Rules in force. Subsequently, during the course of audit objection, the Department found that the fixation done was erroneous. Thus, a recovery was imposed in respect of



the payment made from the year 2006. The first respondent challenged the order of recovery and re-fixation. The learned single Judge relying on the judgment of the Supreme Court in the case of ***Stae of Punjab and Others Vs. Rafiq Masih (White Washer) and Others*** reported in ***(2015) 4 SCC 334*** set aside the order of recovery and confirmed the re-fixation made by the Department in accordance with the Pay Rules.

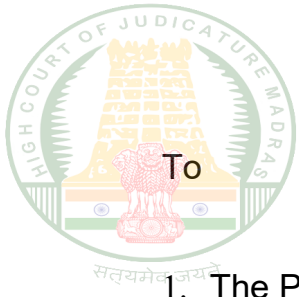
3. Recovery of salary already paid in the year 2006 would result in hardship to the employee and therefore, the writ Court set aside the recovery and confirmed the re-fixation done correcting the fixation done erroneously. Thus, this Court does not find any infirmity in respect of the writ order impugned.

Accordingly, the writ appeal stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
02-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gpa



1. The Principal Account General of Tamil Nadu
Office Of The Principal Accountant General,
Accounts And Entitlements,
No. 361 Anna Salai,
Teynampet,
Chennai
2. The District Treasure Officer
Thiruvanamalia District
3. The Sub Treasury officer
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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