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Writ Appeal No.744 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

Writ Appeal No.744 of 2026

and

C.M.P.No.7589 of 2026

1. The Deputy Director of Health Services,
Erode - 600 012.
2. The Block Medical Officer,
Primary Health Centre, Park Road,
Chennimalai,
Erode District - 638 051.

..Appellants

Vs

D.Govindaraj
S/o. Dhanasekaran

..Respondent

Writ Appeal filed under Clause XV of the Letters Patent against the order dated 19-06-2025 passed in W.P.No.21764 of 2025.

For Appellants : Dr.R.Gouri
Government Counsel

For Respondent : Mr.R.Ezhilarasan



JUDGMENT

(Delivered by S.M.Subramaniam J.)

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The writ appeal has been instituted by the Deputy Director of Health Services along with Block Medical Officer challenging the writ order dated 19.06.2025 passed in W.P.No.21764 of 2025.

2. The respondent was originally appointed as Multi Purpose Health Assistant on 20.07.1989. Subsequently, he was promoted up to the level of Block Health Supervisor. The respondent submitted a representation on 01.03.2012 stating that one Mr.P.Allimuthu, who is junior to him and serving as Health Inspector Grade I, Erode District, had been drawing a higher salary than the respondent since 01.02.2006. The respondent requested to rectify the pay anomaly on par with the said Mr.P.Allimuthu. Pursuant to the said reference, revised pay was granted to the respondent. However, the department subsequently found that the pay fixed for the said Mr.P.Allimuthu itself is not in accordance with the pay rules and the Government Orders in force. Accordingly, recovery proceedings was issued to Mr.P.Allimuthu by the Block Medical Officer in December 2020 and the entire excess salary paid to him was recovered. The said recovery remains unchallenged. When the revised pay of Mr.P.Allimuthu was found to be erroneous, recovery proceedings was issued and the Department has issued re-fixation of pay and consequently, recovery was made in respect of the respondent also. Challenging the same, the respondent filed the writ petition and the writ Court set aside the recovery order.



3. The fact remains that based on the representation submitted by the respondent, his pay was revised. The representation was submitted in comparison with one Mr.P.Allimuthu whose revision of pay was found to be erroneous by the department and recovery was already effected. But, the fact remains that the respondent herein was retired from service. Therefore, this Court is not inclined to interfere with the order of the writ Court setting aside the recovery of excess salary made to an employee. Recovery of excess payment made to a Government employee after retirement will result in hardship. Thus, setting aside the order of recovery by the writ Court stands confirmed. The admissible pay and pension to the respondent is to be corrected in accordance with the pay rules and the Government Orders in force. No Government employee is entitled to draw excess salary, which would result in unjust financial gain and loss to the State Exchequer. Correction on error in fixation of pay is permissible at any point of time and on identification. In the present case, the error was identified and rectified in respect of Mr.P.Allimuthu based on whom the petitioner secured revision of pay. Thus, the appellants shall verify the correctness of fixation of pay and pay the pension and other monetary benefits admissible in accordance with the pay rules and Government orders in force. However, the recovery of excess salary paid to the respondent alone is set aside and the order of the writ Court to that extent stands confirmed.



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**S.M.SUBRAMANIAM, J.
AND
R.KALAIMATHI, J.**

gm

Accordingly, the writ appeal is allowed in part. No costs. Consequently,
connected miscellaneous petition is closed.

**(S.M.S.,J.) (R.K.M.,J.)
08-06-2026**

Index: Yes
Speaking order
Neutral Citation: Yes/No

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