



WEB COPY



WA No. 4028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 4028 of 2025 AND
CMP NO. 32769 OF 2025**

1. The State Of Tamil Nadu
Rep.by its Additional Chief Secretary to the
Government, Home (Police) Department,
Fort St. George, Chennai 9.
2. The Director General of Police (L and O)
(Head of Police Force), Office of the Director
General of Police, Mylapore, Chennai 4.
3. The Commissioner Of Police
Chennai City Police,
Vepery, Chennai 7.
4. The Joint Commissioner Of Police
Administrative Officer, South Zone
Greater Chennai Police, Chennai.

..Appellants

Vs

M. Srinivasan
S/o.Murugesan (Late), Sub Inspector of Police
(Retired) S.I.No. 34303, No.7/4, Sithalaisathanar
Cross St, M.G.R.Nagar,K.K.Nagar, Chennai 78.

..Respondent(s)

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 10.10.2025 made in WP.No. 32584/2024.



WA No. 4028 of 2025

For Appellants :

Mr.E.Veda Bagath Singh
Special Government Pleader

Judgment

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

This intra Court appeal has been directed against the order passed by the learned Writ Court dated 10.10.2025 made in W.P.No.32584 of 2024.

2. The respondent was the writ petitioner, who was initially appointed as Grade II Police Constable on 27.02.1986. After serving for long years, he attained the age of superannuation and retired on 31.05.2022 while he was working as Special Sub Inspector of Police. After seven months of his retirement ie., on 31.12.2022 an order has been passed, wherein it was stated that the pay has been wrongly fixed on the respondent / writ petitioner and therefore, excess pay has to be recovered to the extent of Rs.1,12,237/-. That order was impugned before the Writ Court.

3. Learned Writ Court, having applied the principles laid down by the Hon'ble Supreme Court in **State of Punjab -vs- Rafiq Masih (White Washer) etc.,** reported in **2015(4) SCC 334**, allowed the writ petition by setting aside the order impugned before the Writ Court.



WA No. 4028 of 2025

4. We have heard Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the petitioners.

5. As has been rightly held by the learned Writ Court, once the respondent / writ petitioner retired from service, the employer – employee relationship severed and this was one of the situations, where recovery is impermissible in law as held by the Hon'ble Supreme Court in the **Rafiq Masih (White Washer) case** cited supra,

6. Therefore, since the writ petition was allowed by applying the principles of the Hon'ble Supreme Court, we do not find any reason to interfere with the order passed by the learned Writ Court. The writ appeal fails and is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
02-02-2026

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

KST



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02-02-2026

Page5 of 5