



WEB COPY



W.A.No.139 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2026

CORAM :

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

W.A.No.139 of 2026

1. The State of Tamil Nadu
Rep. By its Additional Chief 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
Chennai City Police, Vepery
Chennai – 600 007.
4. The Joint Commissioner of Police
Administrative Officer, South Zone
Greater Chennai police, Chennai.

.. Appellants

Vs.

J.Padmanabhan

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order passed in W.P.No.32575 of 2024 dated 10.10.2025.

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



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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 10.10.2025 made in W.P.No.32575 of 2024.

2. The respondent was the writ petitioner, who was initially enlisted as a Grade – II Police Constable in the Tamil Nadu Police Service on 20.02.1986. After long years of service, he attained superannuation on 31.10.2022 and retired peacefully, however, after his retirement, on 27.11.2022, an order has been passed, whereby, it was stated that his pay has been wrongly fixed and therefore, it leads to recovery to the extent of a sum of Rs.1,32,448/-.

3. The said order was under challenge before the Writ Court. The learned Judge who heard the said writ petition applied the principles laid down by the Hon'ble Supreme Court in the case of ***State Of Punjab & Ors vs Rafiq Masih (White Washer)***¹ and set aside the order impugned before the Writ Court and allowed the said writ petition.

¹ AIR 2015 SUPREME COURT 696



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4. The said order passed by the Writ Court does not warrant any interference at our hands in view of the law having been declared by the Hon'ble Supreme Court in the **Whitewasher's** case (cited *supra*), where, situations where such kind of recovery could be impermissible since having been declared by the Hon'ble Supreme Court, the present situation, where the employee since has retired from service, after retirement, recovery cannot be made against him. That was also one of the situations, under which, such recovery since has been declared as an impermissible one, the approach of the learned Judge cannot be found fault with.

5. Therefore, the order passed by the Writ Court since has to be sustained, it is sustained. The writ appeal fails and hence, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.1144 of 2026 is closed.

(R.S.K., J.) (S.S.A., J)
11.02.2026

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



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