



W.A(MD)No.635 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)No.635 of 2021

and

C.M.P(MD)No.2819 of 2021

S.N.Rajendran (Died)

... Appellant /
Petitioner

2.Jeyalakshmi
3.Saranya Devi
4.Anitha

... Appellants

Vs.

1.The Chief Engineer,
Agricultural Engineering Department,
Nandhanam,
Chennai - 35.

2.The Executive Engineer,
Agricultural Engineering Department,
T.P.K.Road,
Madurai - 11.

3.The Assistant Executive Engineer,
Agricultural Engineering Department,
Government Tractor Workshop,
Agricultural College P.O.,
Madurai - 104.



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4.The Secretary,
to T.N. State Government,
Agricultural Department,
Fort St.George,
Chennai – 600 009.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 07.08.2020 made in W.P(MD)No.4211 of 2012 on the file of this Court and allow the Writ Appeal.

For Appellants : Mr.R.Sriram
for Mr.C.Jayaindrapatel

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The unsuccessful writ petitioner is the appellant before us. During the pendency of this appeal proceedings, the appellant passed away and his legal heirs have been brought on record.

2.The writ petitioner was appointed as Fitter Helper on 13.08.1975. His designation was changed as Fitter on 05.02.1977. He was appointed as Machinist on 17.01.1985. He was awarded selection grade in the post of Grade II Machinist on 05.02.1987. Thereafter, he



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was promoted as Grade I Machinist and his pay was refixed accordingly.

It was subsequently realized that the writ petitioner was not entitled to be promoted as a Grade I Machinist, and hence reversion order was issued on 11.09.1992 with retrospective effect from 01.04.1988.

3.The writ petitioner retired from service on 30.04.2010. Thereafter, vide order dated 07.10.2010, recovery was ordered. The Executive Engineer, Agricultural Engineering Department, Madurai, directed that a sum of Rs.2,32,925/- should be recovered from the writ petitioner. This said amount was recovered from the writ petitioner's retirement benefits. Seeking refund of the deducted amount, W.P(MD)No.4211 of 2012 was filed. The learned single Judge vide order dated 07.08.2020, dismissed the said writ petition. Aggrieved by the same, this Writ Appeal has been filed.

4.The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to grant relief as prayed for.

5.Per contra, the learned Additional Government Pleader submitted that the writ petitioner had been wrongly promoted as Grade I Machinist



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and his pay was refixed accordingly. Even at that time, the petitioner had given an undertaking letter that if his pay was found to be erroneously fixed, it could be recovered from him later. The impugned recovery order was issued in terms of the said undertaking. He further submitted that the recovery order was never put to challenge and therefore, the writ petitioner could not have maintained a mere writ of mandamus. According to him, the learned single Judge had correctly dismissed the writ petition and that interference with the said order is not called for.

6.We carefully considered the rival contentions and went through the materials on record.

7.There is no dispute that the petitioner could not have been promoted as Grade I Machinist. This is because there was no such sanctioned post. The learned single Judge had discussed at length and arrived at the conclusion that the conferment of promotion was erroneous and that reversion was rightly made. But that is beside the point. The only question that calls for consideration was whether the recovery order could have been passed.



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8.The Hon'ble Supreme Court in the decision reported in **(2015) 4**

WEB COURT

SCC 334 (State Of Punjab & Ors vs Rafiq Masih) had held that recovery from the retired employee is not permissible, if the employee is not at fault. In the case on hand, the employee had not made any misrepresentation. Since the principles laid down in the **White Washer's** case **((2015) 4 SCC 334)** were not taken note by the learned single Judge, we set aside the order impugned in the writ petition as well as the order of the learned single Judge. The amount recovered from the writ petitioner shall be paid without interest to his legal heirs within a period of 10 weeks from the date of receipt of a copy of this order.

9.This Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.P, J.]
17.04.2026

MGA

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