



W.A.(MD)No.377 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.01.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.377 of 2021
and
C.M.P.(MD)No.1331 of 2021**

The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai - 625 016.

... Appellant

Vs.

S.Aman Beevi

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.9278 of 2010 dated 02.03.2020 on the file of this Court.

For Appellant : Mr.S.Vinayak,
Standing Counsel.

For Respondent : No appearance



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JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned standing counsel for the appellant / Madurai Corporation.

2.The husband of the writ petitioner / respondent herein was working as Sanitary Supervisor in Madurai Corporation. He retired from service. He was receiving pension. He passed away on 23.11.1995. Thereafter, his wife / writ petitioner was receiving family pension. In the year 2010, it was noticed that excess amount was paid towards family pension. To recover the excess amount, the order impugned in the writ petition was passed. Challenging the same, W.P.(MD)No.9278 of 2010 was filed. The learned Single Judge vide order dated 02.03.2020 set aside the recovery order and allowed the writ petition. Aggrieved by the same, this writ appeal has been filed.

3.We notice that the learned Single Judge did not interfere with the order of re-fixation and the order of recovery alone was set aside. The learned Single Judge rightly invoked the principle laid down in the



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decision reported in *(2015) 4 SCC 334 [State Of Punjab Vs. Rafiq Masih (White Washer)]*. The Hon'ble Supreme Court had held that if excess amount had been paid to Class-III and Class-IV employees, the same may not be recovered when there is no misrepresentation on their part. In this case, the recovery was sought to be made from the wife of a retired employee who was only receiving family pension. The writ petitioner's husband was also working as Sanitary Supervisor which will fall under Class-IV category. In these circumstances, we do not find any ground to interfere. The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
02.01.2026

NCC : Yes/No
Index : Yes / No
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