



W.A(MD) No.419 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 09.02.2026

CORAM

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

W.A(MD) No.419 of 2021

R.Jothi (Died)

1.Davamani

2.Mathivanan

... Appellants

Vs.

**1.Tamil Nadu Water Supply and Drainage Board,
Chennai.**

**Represented by its Chairman cum Managing Director,
TWAD Board, 31, Kamarajar Salai, Chepauk,
Chennai-5.**

2.The Joint Chief Engineer (General)

**Tamil Nadu Water Supply and Drainage Board,
Head Office, Chepauk, Chennai.**

3.The Executive Engineer,

**Tamil Nadu Water Supply and Drainage Board,
Maintenance Division,
Trichy.**

4.The Accounts Officer,

**Tamil Nadu Water Supply and Drainage Board,
Internal Auditing, Eastern Region, Thanjavur.**



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5.Manikandan

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to allow the writ appeal by setting aside the order of this Court dated 26.11.2020 made in W.P.(MD)No.5024 of 2015.

For Appellant : Mr.S.Govindan

For Respondents : Mr.AR.L.Sundaresan
ASG
assisted by Mr.B.Vijay Karthikeyan
for R1 to R4

: No appearance
for R5

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned counsel for the appellant and the learned ASG for the respondent board.

2. The original appellant Thiru.Jothi joined the TWAD Board as a junior assistant. He was conferred with selection grade in the year 1987 and special grade in the year 1997. Johti claimed upward revision of his



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pay on the ground that he has passed SSLC in the year 1996. He reached the age of superannuation in the year 2015. Acceding to the request for upward revision, his pay was revised in the year 2008. Later, the Management took the view that refixation was erroneous. The re-fixation was set aside and the original position was restored. Since in the meanwhile, excess amount had been paid to Thiru.Jothi, a sum of Rs.10,851/- was also ordered to be recovered. Challenging the proceedings dated 20.08.2008, Joithi filed W.P.(MD)No.5024 of 2015. The learned single Judge dismissed the writ petition vide order dated 26.11.2020. Challenging the dismissal order, this writ appeal has been filed.

3. During the pendency of the writ appeal, Joithi passed away and his wife who came on record is also no more. Joithi belonged to Group “C” category. Admittedly, Joithi did not make any misrepresentation or false representation. Recovery of the excess pay from a person belonging to Group “C” has been held to be impermissible by the Hon'ble Supreme Court in *State Of Punjab & Ors vs Rafiq Masih (White Washer) and Others [(2015) 4 SCC 334]*.



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4. In this view of the matter, the recovery effected on Jothi stands set aside. However, the order of refixation is sustained. The amount of Rs.10,851/- recovered from Jothi shall be refunded to his legal heirs at 6% (SI) per annum. We make it clear that the order passed in this writ appeal will not have any bearing on similar claims.

5. The Writ Appeal is partly allowed. No costs.

(G.R.S., J.) (R.K.M., J.)
09.02.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

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