



WP(MD). No.3350 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.02.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.3350 of 2023

and

WMP(MD)Nos.3092 and 14813 of 2023

1. V.Karuppasamy
2. S.Chandramohan
3. E.Boopalan
4. S. Madavan
5. N. Karuppasamy

... Petitioners

Vs

1. The Director of Fire Service,
Tamilnadu Fire Service,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai - 600008.
2. District Fire Service Officer,
District Fire Service Station,
Tirunelveli and Tenkasi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent herein to recover the increment of Rs.72,744/- from the petitioners' salary order PA.AA.No.



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37/2023. Na.Ka.No.2429/A/2022 dated 25.01.2023 and quash the same as illegal and arbitrary.

For Petitioners : Mr.K.Srinivasan

For Respondents : Mr.C.Venkatesh Kumar,
Special Government Pleader

ORDER

The petitioners are working as Leading Firemen in the respondent Department. The impugned order of recovery has been passed that the scale of pay of the petitioners has been erroneously fixed. Challenging the same, the petitioners have filed this writ petition that the impugned order has been passed after a period of seven years and against the ratio down by the Hon'ble Supreme Court in *State of Punjab vs. Rafiq Masih (2 (2015) 4 SCC 334)*.

2. The learned Special Government Pleader appearing for the respondents submits that the Hon'ble Supreme Court, in *High Court of Punjab and Haryana and others vs. Jagdev Singh*, reported in *(2016) 14 SCC 267* has considered the ratio laid down in *Rafiq Masih's case*



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and passed an order that in the event, if the officer to whom payment is made, had given an undertaking for recovery, class (ii) specified in **Rafiq Masih's case** would not be applicable to the officer concerned. The learned Special Government Pleader has also furnished the undertaking provided by all the petitioners.

3. In view of the undertaking given by the petitioners and the ratio laid down by the Hon'ble Supreme Court in **High Court of Punjab and Haryana and others vs. Jagdev Singh [(2016) 14 SCC 267]**, this Court is not inclined to entertain this writ petition.

4. However, considering the fact that the petitioners have not been provided with any notice before passing the order of recovery, the impugned order passed in PA.AA.No.37/2023 Na.Ka.No.2429/A/2022 dated 25.01.2023 is set aside, on the limited ground of violation of principles of natural justice. The respondents shall furnish a show cause notice and after considering the objections, if any made by the petitioners, shall pass orders in accordance with law.



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5. Accordingly, this writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

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