



W.A.(MD) Nos.564 to 568 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	: 30.01.2026
Delivered on	: 24.02.2026

CORAM:

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

W.A.(MD) Nos.564 to 568 of 2021
and
C.M.P.(MD) Nos.2603, 2605 to 2608 of 2021 & 17115 of 2024

The Commissioner
Director of Technical Education
Guindy, Chennai - 600 025.

... Appellant in all
W.As/Respondent

Vs.

1.S.Raghavendhiran

... Respondent-1 in W.A.
(MD) No.564 of 2021/Petitioner

1.B.Durairaj

... Respondent-1 in W.A.
(MD) No.565 of 2021/Petitioner

1.K,Muthuraman

... Respondent-1 in W.A.
(MD) No.566 of 2021/Petitioner

1.S.Muthu

... Respondent-1 in W.A.
(MD) No.567 of 2021/Petitioner

1.V.Sivaprakasam

... Respondent-1 in W.A.
(MD) No.564 of 2021/Petitioner



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2.The Assistant Director
Statutory Board Audit (Local Fund)
Madurai Corner
Sivagangai
Sivagangai district.

3.The Principal
Annamalai Polytechnic College
Chettinad - 630 102
Sivagangai District.

... Respondents 2 & 3 in all
W.As/Respondents

PRAYER IN ALL W.As: Writ Appeals are filed under Clause 15 of Letter Patent, against the Order dated 24.02.2020 made in W.P.(MD) Nos. 21133 to 21134 of 2014, respectively, by this Court.

For Appellant (in all W.As)	: Mr.T.Amjad Khan Additional Government Pleader
For Respondents (in all W.As)	: Mr.S.Srinivasa Raghavan for Mr.N.Tamilmani for R1 in W.A.(MD) Nos.564, 565, 567 & 568 of 2021

COMMON JUDGMENT

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

These Writ Appeals have been preferred by the Commissioner, Directorate of Technical Education, Guindy, against the Order dated 24.02.2020 passed in W.P.(MD) Nos.21133 to 21137 of 2014.

2. The parties are indicated herein as per their litigative status and



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ranking before the Writ Court.

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3. All the petitioners were originally appointed as Laboratory Assistants with the minimum qualification of pass in S.S.L.C, as per G.O.Ms.No.63, Finance, dated 26.02.2011. For the period of 30 years, they have been working as Lab Assistants and their grade pay was fixed at Rs.2,400/-. For Technical Assistant, the qualification is a pass in eighth standard with I.T.I. certificate. But since 2009, as per G.O.Ms. 220, Finance, dated 06.07.2009, both for the post of Lab Assistant and for Technical Assistant, the candidate is required to possess the minimum educational qualification of passing I.T.I. The Government letter No.63305/PC/10-1, Finance, dated 08.01.2010, prescribes higher grade pay for the selection and special grade, namely, Rs.4,200/- and Rs.4,400/-, respectively, as per the proceedings dated 19.12.2011 with effect from 01.01.2006. but the third respondent cancelled the said grade pay and revised the pay of the petitioners, as per G.O.Ms.No.314, Finance, dated 22.07.2013. By a clarification letter dated No. 41134/A3/2013 dated 31.12.2013 issued by the first respondent, the excess amount was sought to be recovered from the petitioners for a period covering from 01.03.2011 to 30.06.2014. The said clarification



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letter is impugned herein.

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4. Per contra, it was contended by the first respondent that the said impugned order was passed in accordance with law and interference of the Court is not warranted. Whereas on behalf of the third respondent, it was contended that originally, as per G.O.Ms.No. 338, Finance (Pay Cell) Department, dated 26.08.2010, pay of the Lab Assistant was fixed at Rs.5,200 - 20,200 + 2,600 with effect from 01.08.2010. He would further state that the said G.O. was implemented and subsequently, on 26.02.2011, by another G.O.Ms.No. 63, the benefit granted under the aforesaid G.O. was only to be implemented from 01.03.2011 and not from 01.08.2010. Thereafter, another G.O. was passed in G.O.Ms.No.314, Finance, dated 22.07.2013. It was stated to be given effect from 01.04.2013 onwards and the said G.O. was received on 15.07.2014 and therefore, the payment made during the said period is sought to be recovered by the impugned orders. As some of the petitioners reached the age of superannuation, the respondents 1 and 2 sought to recover the excess amount from their retirement benefits.



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5. The core issue is whether recovery made with regard to the excess payment, which was not made at the fault of the petitioners', can be allowed to be recovered. From a careful perusal of the aforestated details, it is pellucid that based on the aforestated G.O, the petitioners were paid and at a later point of time, it was sought to be recovered.

6. In *State of Punjab vs. Rafiq Masih (White Washer)* reported in (2015) 4 SCC 334, the Hon'ble Apex Court summated the situations where the recoveries are impermissible and they are given hereunder:

"(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.



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(v) *In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

7. The aforesaid guidelines were also reiterated by the Hon'ble Supreme Court in *High Court of Punjab and Haryana vs. Jaghdev Singh* reported in (2016) 14 SCC 267.

8. As regards category to which group they belonged to, a Lab Assistant would fall under Group D in Class IV services. The salary was paid as per the aforesaid G.O. and thereafter, based on the G.O.Ms.No. 314, Finance, dated 22.07.2013, the excess amount was sought to be recovered. In such a situation, no fault can be attributed upon the petitioners. The payments have been made by virtue of the aforesaid G.Os. As they belonged to class IV service and as it would cause difficulty to the petitioners, we are of the considered view that the recovery sought to be made is impermissible. The Writ Court has approached the matter in a right perspective, based on the observations made by the Hon'ble Supreme Court in *White Washer's* case and ordered in favour of the petitioners.



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9. In our considered view, it does not require any interference by this Court. Based on the aforesaid observations and discussions, these Writ Appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [R.K.M., J.]
24.02.2026

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

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