



WA(MD)No.597 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 29.04.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

WA(MD)No.597 of 2026
and
CMP(MD)No.5684 of 2026

1. The Director of Elementary Education,
DPI Campus
Chennai – 6.

2. The District Educational Officer (Elementary),
Thanjavur District.

3. The Block Educational Officer,
Thanjavur Rural,
Thanjavur District.

4. The District Treasury Officer,
Treasury Office,
Thanjavur District.

... Appellants

Vs.

1. S.Joan of Arc,

2. The Principal Accountant General,
Office of the Accountant General (A & E)
361, Anna Salai,
Teynampet,
Chennai - 18.

... Respondents



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PRAYER :- Writ Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.29349 of 2025 dated 29.10.2025.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For R1 : Mr.T.Aswin Raja Simman

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of the learned Single Judge in setting aside the order of recovery alone, this writ appeal has been filed.

2. The 1st respondent / writ petitioner was appointed as Secondary Grade Teacher in 1991 and thereafter promoted as B.T Assistant and ultimately she retired from service on 31.03.2025 on attaining the age of superannuation and she was also permitted to retire from service. While so, by order dated 22.04.2025 of the 2nd respondent herein, an amount of Rs.14,50,862/- was sought to be recovered from the 1st respondent on the ground that the 1st respondent obtained incentive increment wrongly for acquiring M.A degree without undergoing U.G degree. Considering the similar issued decided in the earlier Division Bench judgment in



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W.A(MD)No.1874 of 2024, dated 28.11.2024, the learned Single Judge quashed the recovery alone, however, granted liberty to the appellants to re-fix the salary of the 1st respondent and the same could be only for the purpose of pensionary benefits.

3. The only concern of the learned Additional Government Pleader appearing for the appellants is that the writ petitioner herself while retiring, gave an undertaking to recover the amount wrongly paid to her. Since the writ petitioner herself admitted wrong payment and not objected to recovery, the learned Single Judge is not right in setting aside the recovery.

4. Learned counsel for the 1st respondent/writ petitioner would submit that the alleged undertaking was obtained from the 1st respondent under coercion and the same was obtained before retirement. The 1st respondent gave such undertaking fearing disciplinary proceedings and therefore, the said undertaking cannot be acted upon.



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5. Be that as it may, once incentive increment wrongly granted by the authorities for no fault of the teacher concerned i.e., incentive increment sanctioned to the 1st respondent in the year 2013 with effect from 2009, recovery cannot be made after a long time in 2025. Further, as per the judgment of the Hon'ble Supreme Court in **State of Punjab and Others vs. Rafiq Masih (White Washer)** reported in **(2015) 4 SCC 334**, recovery from employees belonging to Class III and Class IV service (or Group 'C' and Group 'D' service) is impermissible in law. Thus, we do not find any infirmity in the impugned order of the learned Single Judge.

6. Hence, the Writ Appeal is dismissed. No costs. The remaining amount payable to the 1st respondent shall be paid within a period of two months from the date of receipt of a copy of this judgment. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
29.04.2026

Index : Yes / No



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Neutral Citation : Ye / No
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ORDER MADE IN
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