



W.A(MD)No.848 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

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

**W.A(MD)No.848 of 2026
and
C.M.P(MD)No.7229 of 2026**

1.The District Health Officer,
Sivakasi Health Unit,
Sivakasi,
Virudhunagar District.

2.The Block Medical Officer,
Government Primary Health Centre,
Thayalpatti,
Sivakasi,
Virudhunagar District.

... Appellants/Respondents 2 & 3

vs.

1.Shanmugavel

... 1st Respondent/Writ Petitioner

2.The Principal Accountant General of Tamil Nadu (A & E),
Office of the Principal Accountant General (A & E),
361 Anna Salai,
Chennai - 600 018.

... 2nd Respondent/1st Respondent



W.A(MD)No.848 of 2026

WEB COPY

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 19.11.2025 made in W.P(MD)No.31754 of 2025 on the file of this Court.

For Appellants : Mr.S.Venkatesh
Counsel for State

For Respondents : Mr.T.Pradeep (R1)

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.]

Challenging the order of the learned Single Judge dated 19.11.2025 passed in W.P.(MD) No.31754 of 2025, whereby the order of recovery came to be quashed, the respondents 2 and 3 therein have preferred the present Writ Appeal as appellants.

2.The first respondent herein/writ petitioner had originally filed the writ petition challenging the proceedings dated 05.08.2025 relating to



W.A(MD)No.848 of 2026

WEB COPY

the recovery of the alleged excess payment said to have been made on account of erroneous fixation of pay and grant of increments for the period from August 2010 to 30.04.2025.

3.The learned Single Judge, applying the principle laid down by the Hon'ble Supreme Court in *State of Punjab and Others Vs. Rafiq Masih (White Washer)*, reported in *(2015) 4 SCC 334*, disposed of the writ petition and quashed the impugned recovery proceedings. Aggrieved by the same, the present Writ Appeal has been filed.

4.The learned counsel appearing for the appellants/respondents 2 and 3 submitted that the recovery proceedings were initiated pursuant to G.O.Ms.No.286, Finance (Pension) Department, dated 28.08.2018. According to the learned counsel, paragraph 4 of the said Government Order itself provides that recovery shall be effected in accordance with the guidelines laid down by the Hon'ble Supreme Court in *Rafiq Masih (White Washer's case)* (cited supra).



W.A(MD)No.848 of 2026

WEB COPY

5.We are unable to accept the said contention. Admittedly, the recovery sought to be effected pertains to alleged excess payments made for a period extending beyond five years. Further, the writ petitioner belonged to a Group 'C' category post at the relevant point of time. The case of the writ petitioner, therefore, squarely falls within the categories protected by the judgment of the Hon'ble Supreme Court in Rafiq Masih (White Washer's case). Consequently, the recovery proceedings cannot be sustained.

6.In such view of the matter, we find no infirmity in the order passed by the learned Single Judge warranting interference in this Writ Appeal.

7.Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
17.06.2026

NCC : Yes / No
Index : Yes / No
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4/6



W.A(MD)No.848 of 2026

WEB COPY

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WEB COPY



W.A(MD)No.848 of 2026

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