



W.A(MD)No.557 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2026

CORAM:

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

**W.A(MD)No.557 of 2026
and
C.M.P(MD)No.5241 of 2026**

1.The District Educational Officer (Elementary),
O/o District Educational Office,
Ramanathapuram, Ramanathapuram District

2.The District Treasury Officer,
O/o District Treasury,
Ramanathapuram,
Ramanathapuram District

... Appellants/Respondents 2 & 3

vs.

1.Chandrasekar

...1st Respondent/Writ petitioner

2.The Principal Accountant General (A &E)
O/o. The Principal Accountant General,
No. 361 Anna Salai,
Teynampet, Chennai.

... 2nd Respondent/1st Respondent



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 03.11.2025 made in W.P(MD)No.19886 of 2023.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For R1 : Mr.R.Karunanidhi

JUDGMENT

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

Challenging the order of the learned Single Judge allowing the writ petition, respondents 2 and 3 in the writ petition have filed the present writ appeal.

2. The impugned order in the writ petition was passed based on an audit report for recovery of an amount. Challenging the same, the first respondent filed the writ petition seeking to quash the recovery and also to direct respondents 2 and 3 therein to continue disbursing the allowance without any reduction or recovery from the retirement gratuity amount of the petitioner.



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3. The only grievance of the appellants is that, though the recovery was quashed, the learned Single Judge allowed the writ petition in its entirety, which resulted in a consequential direction to continue disbursing the same allowance without any reduction or recovery from the retirement gratuity amount of the writ petitioner.

4. As far as recovery is concerned, the law is well settled. Recovery cannot be effected after a period of five years. The Hon'ble Supreme Court of India, in *State of Punjab and Others vs. Rafiq Masih (White Washer)* reported in (2015) 4 SCC 334, has categorically held that recovery from retired employees, or employees who are due to retire within one year from the date of the recovery order, is legally impermissible. However, when a pay anomaly has been rectified and pay has been properly fixed, the same cannot be questioned by the appellants. Therefore, the order of the learned Single Judge quashing the recovery is confirmed.

5. As regards the consequential relief sought in the writ petition to continue disbursing the same allowance without any reduction or recovery from the



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retirement gratuity amount of the writ petitioner, we are of the view that the first respondent/writ petitioner is not entitled to such a direction. At most, the petitioner is entitled to receive the correctly fixed amount.

6. With the above modification, the writ appeal is disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
20.04.2026

NCC : Yes / No
Index : Yes / No
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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

am

ORDER MADE IN
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