



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 46893 of 2025
AND
WMP NO. 52378 OF 2025**

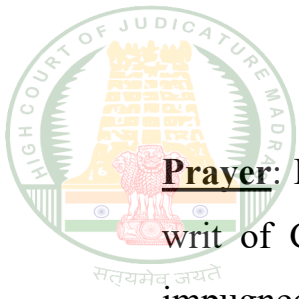
C.Soundarapandiyan

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Additional Chief Secretary to the Government,
Home (Police) Department, Fort St. George,
Chennai – 600 009.
2. The Director General of Police (L&O)
(Head of Police Force),
Office of the Director General of Police,
Mylapore, Chennai 600 004.
3. The Commissioner of Police
Chennai City, Vepery, Chennai – 7.
4. The Principal Accountant General (A&E)
Tamil Nadu, Teynampet, Chennai.
5. The Joint Commissioner of Police,
Administrative Officer, West Zone
Thirumangalam, Chennai – 107.
6. The Additional Commissioner of Police
Traffic Zone, Chennai.

..Respondent(s)



Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 6th respondent in proceedings Na.Ka.No/Tr/Sa/F/45/2035/2024 dated 25.07.2025 and quash the same and to consequently direct the respondents 1 to 6 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to repay to the petitioner the recovered amount of Rs.2,19,926/-.

For Petitioner(s): Mr.V.Lakshminarayanan

For Respondent(s): Mr.A.R.Balaji
Government Advocate
For R1 to R3 and R5

Mr.P.Manorajan
Standing Counsel
For R4

ORDER

The Writ Petition is filed for the following relief:

“to call for the records in pursuant to the impugned order issued by the 6th respondent in proceedings Na.Ka.No/Tr/Sa/F/45/2035/2024 dated 25.07.2025 and quash the same and to consequently direct the respondents 1 to 6 (i) to restore the pay of the petitioner and to accordingly refix his last drawn pay, (ii) to repay to the petitioner the recovered amount of Rs.2,19,926/-.”

2. The petitioner was appointed as a Grade II Police Constable in the Tamil Nadu Police Department on 26.12.1985. At the time of his voluntary



retirement from service, he was holding the post of Special Sub Inspector of Police. He had voluntarily retired from service on 31.12.2022, at which point in time he was working in R5, Virugambakkam Police Station.

3. The petitioner would submit that, he had voluntarily retired from service on 31.12.2022 and after retirement in the month of December, 2022, he was issued with an impugned order of reduction and re-fixation of his pay by proceedings dated 30.03.2023 and further recovery of a sum of Rs.2,19,926/- was also ordered.

4. The petitioner would submit that, the excess payment for the period from 01.01.2001 to 30.09.2022 has been paid by the virtue of administrative order and not by reason of any manipulation or fraud on the part of the petitioner. Therefore, aggrieved, the petitioner is before this Court.

5. Heard the learned counsels for the petitioner and the respondents.

6. The issue of recovery was the subject matter of the Judgement of the ***State of Punjab Vs. Rafiq Masih (White Washer) etc.***, reported in **2015 (4)**



SCC 334. The Hon'ble Supreme Court has held that the recovery cannot be done without issuing a show cause notice.

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7. That apart, the Hon'ble Supreme Court had laid down five circumstances where recovery by the employers was impermissible in law. One of which was recovering excess payment from Group-C employee and also from the employees who are due to retire from service.

8. Further, In the Judgement of this Court in WP.No.30385 of 2025, this Court had directed refund of the money already recovered within a period of 2 months from the date of receipt of the order.

9. In the instant case also, the impugned order directs that the sum of Rs.2, 19,926/- should be recovered from the petitioner's pensionary benefits and credited to the Government account and the same has been recovered.

10. In the light of the aforesaid Judgement of this Court, the amount which has been recovered shall be refunded to the petitioner within a period of 2 months from the date of receipt of a copy of this order.



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11. Accordingly, the Writ Petition is partly allowed directing refund of the amounts recovered and with reference to the other relief pertaining to refixation/restoration of one increment for stepping up, the petitioner is directed to give a representation and on such representation being made, the same shall be considered and orders passed expeditiously. Consequently, the connected miscellaneous petition is closed. No costs.

23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

drm/SRN



To

1. The Additional Chief Secretary to the Government,
Home (Police) Department, Fort St. George,
Chennai – 600 009.
2. The Director General of Police (L&O)
(Head of Police Force),
Office of the Director General of Police,
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P.T.ASHA J.

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