

W.P(MD) Nos.6249 to 6251 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) Nos.6249 to 6251 of 2026

W.P(MD)No.6249 of 2026

R.Balraj

... Petitioner

Vs.

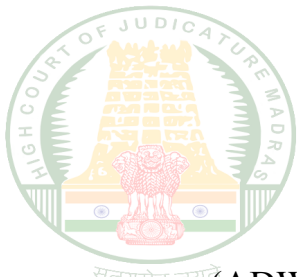
1.The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram.

2.The Special Tahsildar (ADW)
Paramakudi,
Ramanathapuram District.

3.The Assistant Treasury Officer,
Sub Treasury,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent i.e., the Special Tahsildar



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(ADW), Paramakudi in his proceedings No.B/767/2019 dated 22.10.2019 and quash the same and consequently direct the second and third respondents i.e., the Special Tahsildar (ADW), Paramakudi and the Assistant Treasury Officer, Sub Treasury, Paramakudi to arrange to refund the recovery amount of Rs.8,28,450/- to the petitioner.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.Shaji Bino,
Special Government Pleader

W.P(MD)No.6250 of 2026

K.Balakrishnan

... Petitioner

Vs.

1.The Special Tahsildar (ADW)
Devakottai Taluk,
Sivagangai District.

2.The Assistant Treasury Officer,
Sub Treasury,
Devakottai,
Sivagangai District.

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent i.e., the Special Tahsildar (ADW), Devakottai in his proceedings No.Roc.C1/01/2023 dated 17.11.2023 and quash the same and consequently direct the respondents i.e., the Special Tahsildar (ADW), Devakottai and the Assistant Treasury Officer, Sub Treasury, Devakottai to arrange to refund the recovery amount of Rs.9,65,054/- to the petitioner.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.Shaji Bino,
Special Government Pleader

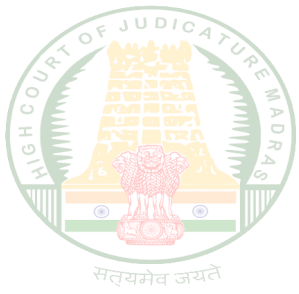
W.P(MD)No.6251 of 2026

N.Senthilkumar

... Petitioner

Vs.

- 1.The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram.
- 2.The Assistant Accounts Officer,
The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram District.



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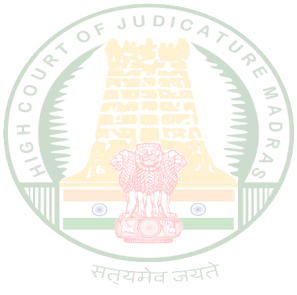
3. The Treasury Officer,
District Treasury,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent i.e., the District Adi Dravidar and Tribal Welfare Officer, Ramanathapuram, in his proceedings No.N6/47738/2018 dated 25.06.2019 and quash the same and consequently direct the first and third respondents i.e., the District Adi Dravidar and Tribal Welfare Officer, Ramanathapuram and the Treasury Officer, District Treasury, Ramanathapuram to arrange to refund the recovery amount of Rs.7,14,701/- to the petitioner.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.Shaji Bino,
Special Government Pleader



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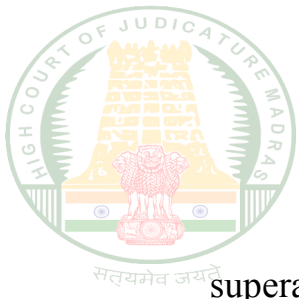
COMMON ORDER

The issue that arises for consideration in all these three writ petitions is one and the same and as such they are taken up for consideration together and are being disposed of by this common order.

2. Heard Mr.R Visvalingam, learned counsel for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for respondents.

3. It would suffice, if the facts of one of the case is discussed and a conclusion is arrived at, as the other two writ petitions would follow the result of the first writ petition. Hence, W.P.(MD)No. 6249 of 2026 is taken up for consideration on merits.

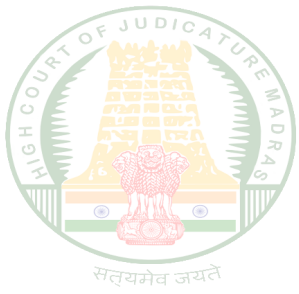
4. The petitioner herein, who served as a Tutor-cum-Warden in Government Boys Hostel (ADW), Manjoor, Paramakudi Taluk, Ramanathapuram District, retired from service on attaining the age of



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superannuation on 31.05.2019, after having completed 28 years and 6 months of service. While releasing the terminal benefits of the petitioner on his retirement the 2nd respondent has recovered a sum of Rs.8,28,450/- from the service gratuity payable to the petitioner, purportedly being the excess payment of pay and allowances paid to the petitioner for the period from 01.01.2006 to 31.05.2019. Thus the 2nd respondent recovered the said amount, purportedly, as per the instructions issued by the Accountant General (A & E), Chennai, in letter No. P17/11722869/8/R1722869 dated 17.09.2019 and accordingly, issued impugned proceedings, dated 22.10.2019 and it was thereafter, the other terminal benefits of the petitioner have been released. Aggrieved by the said recovery of an amount of Rs.8,28,450/- through proceedings dated 22.10.2019, the petitioner has approached this Court by filing the present writ petition, contending that the recovery order through impugned proceedings, after the petitioner had retired from service is contrary to the law laid down to the Hon'ble Apex Court in the case of ***State of Punjab vs. Rafiq Masih (White Washer)*** reported in ***2015 (4) SCC 335***.



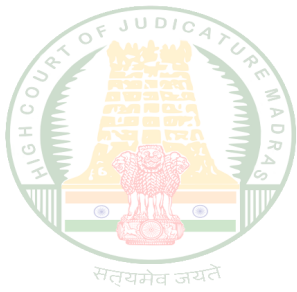
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5. In response to the notice issued by this Court, the respondent No.2 filed counter affidavit contending that the petitioner has issued an undertaking in Form 4 that in case of any excess payment was made to the petitioner, the same can be recovered from the pensionary benefits of the petitioner.

6. In the light of the above, this Court directed the respondents to produce the so called Form-IV submitted by the petitioner. However, the same is not produced before this Court.

7. On the other hand, the learned Special Government Pleader submitted that the said Form-IV was submitted along with the pension proposals in a Proforma and there was no such undertaking given by the petitioner while paying the salary for the period from 01.01.2006 to 31.05.2019. Except stating that the petitioner was paid excess payment during the period from 01.01.2006 to 31.05.2019, there is no justification made to justify the recovery of the amount after the petitioner has already retired from service.



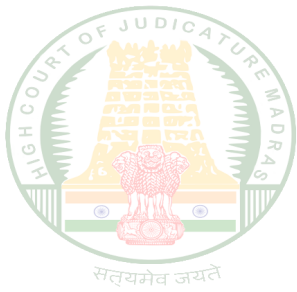
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8. In the light of the above, this Court having taken out of the contentions raised on either side and also after perusing the material on record, including the decision of the Hon'ble Apex Court in the case of ***State of Punjab vs. Rafiq Masih*** is convinced that the respondents are not entitled to recover any amounts from the petitioner, purportedly on the ground of any excess payment or otherwise, after the petitioner has retired from service, in the light of the law laid down in the ***Rafiq Masih's case***. In paragraph No.18 of the said decision, the Hon'ble Apex Court held as under :

“18. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

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



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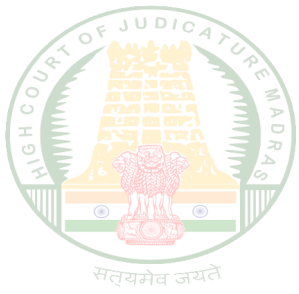
(ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

(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.*

(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.”*

9. In the light of categorical guidelines laid down by the Hon'ble Apex Court, it is not open for the petitioner to effect any recovery from the terminal benefits of the petitioner either on the ground of excess payment, or otherwise and the same is directly hit by Paragraph No.18 of ***Rafiq Masih's case***.



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10. In the circumstances, the impugned proceedings ordering for recovery of an amount of Rs.8,28,450/- from the DCRG amount payable to the petitioner is bound to be declared as highly arbitrary, illegal and contrary to the decision of the Hon'ble Apex Court in ***Rafiq Masih's case***. Hence, the impugned proceeding is liable to be quashed.

11. Accordingly, the writ petition is allowed and the impugned proceedings dated 22.10.2019 is quashed with a further direction to the respondents to refund the amount of Rs.8,28,450/- recovered from the petitioner together with interest at the rate of 6% per annum as expeditiously as possible, at any rate within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

12. Consequently, the other two writ petitions in **W.P(MD)Nos.6250 & 6251 of 2026** are also allowed duly quashing the impugned orders therein and with a further direction to the respondents to refund the amount of Rs.9,65,054/- and Rs.7,14,701/- recovered from



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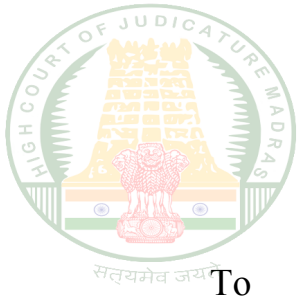
the petitioners therein respectively, together with interest at the rate of 6% per annum as expeditiously as possible, at any rate within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

21.04.2026

Index : Yes / No

Internet : Yes / No

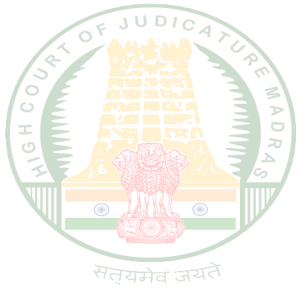
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To
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- 1.The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram.
- 2.The Special Tahsildar (ADW)
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Treasury Officer,
Sub Treasury,
Paramakudi,
Ramanathapuram District.
- 4.The Special Tahsildar (ADW)
Devakottai Taluk,
Sivagangai District.
- 5.The Assistant Treasury Officer,
Sub Treasury,
Devakottai,
Sivagangai District.
- 6.The Assistant Accounts Officer,
The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram District.
- 7.The Treasury Officer,
District Treasury,
Ramanathapuram,
Ramanathapuram District



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MUMMINENI SUDHEER KUMAR, J.

RM

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