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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 4455 of 2026

E.P.Menakaga

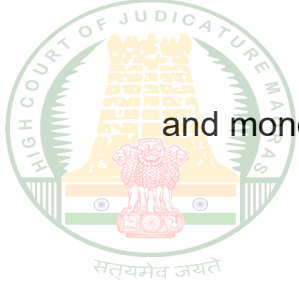
..Petitioner(s)

Vs

1. The Secretary To Government
Home (Courts-V) Department,
Secretariat, Fort St. George,
Chennai-9
2. The Registrar General
Madras High Court,
Chennai-104
3. The Audit Superintendent,
Internal Audit Wing,
Madras High Court,
Chennai-104
4. The Principal District Judge,
Cuddalore District,
Cuddalore
5. The Judicial Magistrate
Tittagudi, Cuddalore

..Respondent(s)

Calling for the records relating to the 3rd Respondent in Audit Slip No.10, dated 03.03.2023 with respect to refixation of pay and the consequential recovery proceedings issued by the 5th Respondent Office Order No.107/2025 dated 02.12.2025 and quash the same and direct the Respondents to regularize the petitioners service from the date of joining in the post of Typist/Copyist namely 27.08.2007 with all consequential service



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and monetary benefits and grant such other further relief as this Honble Court

For Petitioner(s): Mr. M. Muthappan

For Respondent(s): No appearance for R1
Mr. P. Ebenezar Paul For R2 To 5

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the audit slip dated 03.03.2023 and the consequential recovery proceedings. The ancillary prayer sought for to regularize the services of the petitioner from the date of joining in the post of Typist/Copyist with effect from 29.08.2007.

2. The petitioner was initially appointed to the post of Copyist on a temporary basis on 22.08.2007 and joined on 29.08.2007. Her pay was fixed by the establishment as per the pay rules in force. However, the Internal Audit Wing found that the pay of the petitioner had been erroneously fixed. Consequently, an audit slip was issued to refix the pay and to recover the excess salary paid to the petitioner.

3. Regarding regularization, the petitioner was appointed as a temporary Copyist. She filed a writ petition and, in pursuance of the orders of the High Court, her services were regularized with effect from 09.07.2009 vide Proceedings, dated 16.03.2011. The regularization granted itself is a concession, since her initial appointment was not in accordance with the



provisions of the Tamil Nadu Ministerial Service Rules. However, the services were regularized in pursuance of the direction issued by the High Court in the writ petition. The said order of regularization became final and remains unchallenged. Having accepted the order of regularization issued in the year 2011 with effect from 09.07.2009 and having served thereafter for a period of about 15 years, the writ petition has been filed seeking retrospective regularization with effect from 27.08.2007. The claim of the petitioner is untenable, in view of the fact that she was appointed on a temporary basis and her services were already regularized, in pursuance of the order of the High Court, with effect from 09.07.2009. The order of regularization has become final. Without challenging the order of regularization dated 16.03.2011, no direction can be sought in the present writ petition, which is not entertainable.

4. As far as the refixation of pay is concerned, the establishment is empowered to correct the pay of an employee, if it is found that the fixation was made erroneously. In other words, the administration is empowered to correct the mistakes, if any, that occurred in the fixation or refixation of pay. This Court does not find any infirmity with regard to the refixation of pay done in accordance with the pay rules and Government Orders in force. However, recovery of the excess salary already paid at this length of time would result in hardship to the employee. The petitioner is working in a Group-C post.



In view of the facts and circumstances, the revision of pay effected pursuant to the Audit slip and the impugned proceedings is confirmed, but the recovery of excess pay alone is set aside. The excess amount, if any, recovered on account of the impugned order is directed to be re-paid to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly, the Audit Slip dated 03.03.2023 and impugned order made in Office Order No.107/2025, dated 02.12.2025 is set aside, with reference to the recovery of excess salary alone. Regarding the relief of regularization, the petitioner is not entitled and the said prayer stands rejected.

5. With these directions, the writ petition stands partly allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)

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

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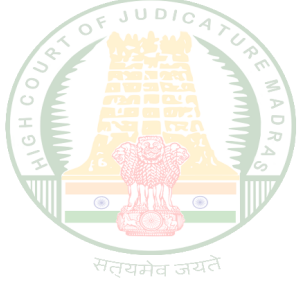
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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