

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6437 of 2021

B.Madhappan .. Petitioner

-vs-

1. The Registrar General,
High Court Madras,
Chennai - 600 104.
2. The Principal District Judge,
Erode District,
Erode.
3. The Fourth Additional District judge,
Bhavani.
4. V.Ganesamoorthi .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the third respondent to refund the amount of Rs.84,878/- which was paid on 14.06.2016 at the insistence of the fourth respondent in the light of the judgment of the Hon'ble Supreme Court in State of Punjab & others etc. vs. Rafiq Masih (white washer) etc. in C.A.No.11527 of 2014 (Arising out of SLP(C) No.11684 of 2012) dated 18.12.2014 and the subsequent G.O.Ms.No.286, Finance (Pension) Department dated 28th August 2018 issued by the Government of Tamilnadu along with interest to be recovered from the fourth respondent who insisted the excess payment on erroneous special grade fixation in the cadre of Process Server/ Junior Bailiff without any authority of law.

For Petitioner : Mr.J.Nagarajan

For Respondents : Mr.E.K.Kumresan
for R1 to R3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks the refund of an amount of Rs.84,878/- that was extracted from the petitioner on account of excess payment.

2. The petitioner relies on a judgment of the Hon'ble Supreme Court for such purpose.

3. It does not appear that the relevant judgment was brought to the notice of the Court at the time that the refund was made. As a consequence, the relevant order directing refund could have been challenged as erroneous, but no ground is made for reviewing the previous order to direct refund at this stage. In any event, the present petition is belated.

4. W.P.No.6437 of 2021 is dismissed. There will be no order as to costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

bbr/vsi

To:

1. The Registrar General,
High Court Madras,
Chennai - 600 104.
2. The Principal District Judge,
Erode District,
Erode.

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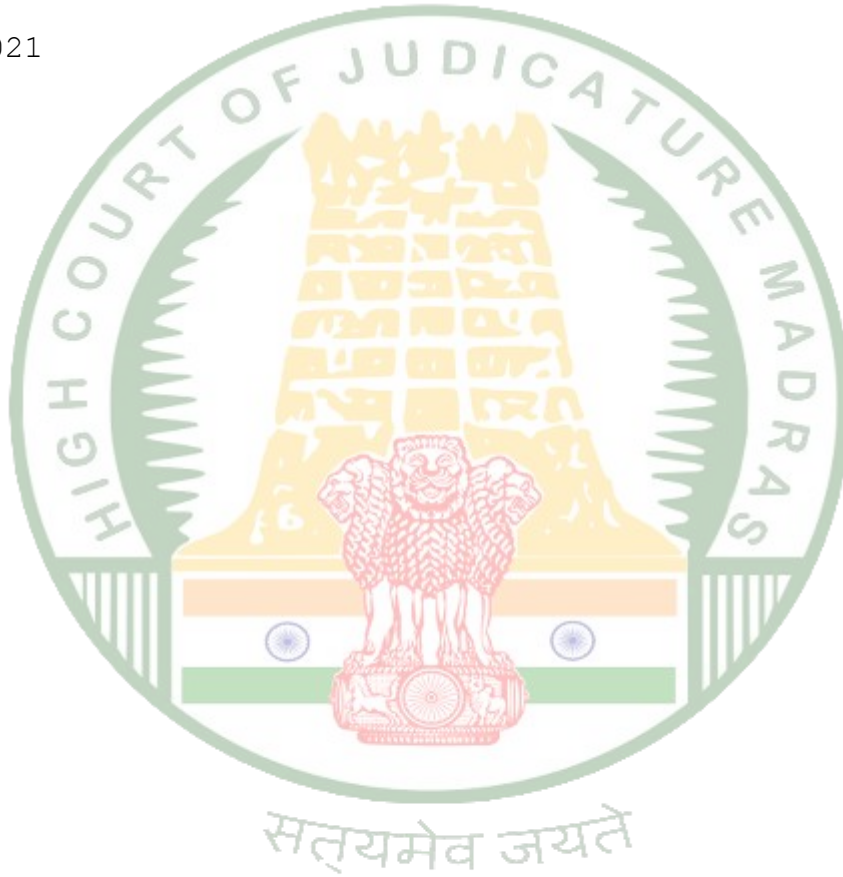
3. The Fourth Additional District judge,
Bhavani.

+1 cc to Mr.J.Nagarajan Advocate sr 16292

+1 cc to Mr.E.Kumaresan Advocate sr16187

W.P.No.6437 of 2021

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