



W.A.No.507 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.A.No.507 of 2021

and C.M.P.No.1996 of 2021

S.Candavel

.. Appellant

Vs

1. Union of India,
Rep by the Secretary to Government of Puducherry,
Animal Husbandry & Welfare Department,
Chief Secretariat, Puducherry.

2. Rajiv Gandhi Institute of Veterinary
and Animal Sciences, Kurumbapet,
Puducherry, Rep by its Dean.

3. Ilangovan

4. S.Revathidevi

5. P.Sittravel

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters patent against the order dated 02.09.2020 passed in W.P.No.16376 of 2013 on the file of this Court.



W.A.No.507 of 2021

For the Appellant : Mr.C.Vigneshwaran

For the Respondents : Mr.J.Kumaran
Addl. Govt. Pleader
(Puducherry), for RR 1 and 2
: Ms.M.N.Sumathy
for RR 3 and 4
No appearance for R-5

JUDGMENT

(Judgment of the Court was made by
S.M.SUBRAMANIAM, J.)

Re-fixation of pay of the appellant and the consequential recovery proceedings were under challenge in the writ petition. The writ petition was dismissed which resulted in filing of the present writ appeal.

2. The learned counsel for the appellant would submit that re-fixation of pay was made contrary to the Pay Rules as admissible to the appellant. The appellant is serving in Grade-C post and therefore, the re-fixation reducing the fixation originally done by the authorities is improper.



W.A.No.507 of 2021

3. The learned Single Judge considered the merits regarding re-fixation which we are not inclined to interfere.

4. As far as the recovery of excess salary is concerned, the appellant is working in Grade-C cadre and therefore, such recovery imposed after a lapse of several years would result in hardship to the employee. The fixation of pay of the appellant along with others was made in the year 2010. Such revision of pay was sought to be refixed through the impugned order in 2013. Therefore, we are inclined to set aside the recovery of excess salary paid to the appellant.

In view of the facts and circumstances, the writ order impugned stands confirmed as far as the re-fixation of pay made by the respondents are concerned. The recovery of excess salary paid to the appellant alone is set aside. Consequently, the writ appeal stands allowed-in-part. No costs. Connected miscellaneous petition is also closed.

(S.M.S., J.) (C.K., J.)
02.07.2024

Index : Yes
NC : Yes
sra



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W.A.No.507 of 2021

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

(sra)

To

1. The Secretary to Government of Puducherry,
Animal Husbandry & Welfare Department,
Chief Secretariat, Puducherry.
2. The Dean,
Rajiv Gandhi Institute of Veterinary and Animal Sciences,
Kurumbapet, Puducherry.

W.A.No.507 of 2021

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