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W.P.No.17353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.17353 of 2024

A.Vijayalakshmi

... Petitioner

Vs.

1. The Secretary to Government,
Home (Court-V) Department,
Fort St.George,
Chennai - 9.
2. The Registrar General,
High Court of Madras,
Chennai - 104.
3. The Principal District Judge,
Cuddalore District,
Cuddalore.
4. The Presiding Officer (FAC),
Labour Court,
Cuddalore District,
Cuddalore.
5. The District Munsif,

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The District Munsif Court,
Panruti, Cuddalore District,
Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent namely, the Registrar General, High Court of Madras, Chennai - 104 to absolve the recovery of the amount of Rs.1,82,322/- to be recovered from the petitioner as per the internal audit report dated 11.12.2006 to 31.10.2022.

For Petitioner : Mr.A.G.Rajan

For R1 : Mr.T.Chandrasekaran
Special Government Pleader

For R2 to R5 : Mr.C.R.Malarvannan

ORDER

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

The writ of mandamus has been instituted to direct the 2nd respondent to set aside the recovery of excess salary paid to the writ petitioner from 11.12.2006.

2. The Internal Audit Wing of the Madras High Court raised an



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objection regarding the fixation of pay of the writ petitioner. As per the Shetty Commission Report employees appointed prior to 31.12.2005 are eligible to draw one increment. Employees appointed after 31.12.2005 are not eligible for such increment.

3. Admittedly, the writ petitioner was appointed on 11.12.2006 after implementation of Shetty Pay Commission. Therefore, the petitioner is not eligible for one increment, which was erroneously granted at the instance of the administration. The petitioner was eligible to avail the scale of pay of Rs.3,200/-. But her pay was erroneously fixed as Rs.3,285/- by adding one increment as per Shetty Commission Report. Since the Internal Audit Wing raised an objection, actions are initiated to recover the excess salary paid to the writ petitioner with effect from 11.12.2006. The respondents could not able to establish any misrepresentation on the part of the writ petitioner. However, correction of mistake occurred during fixation of pay is permitted. In other words, the Authorities competent are empowered to correct the mistakes in the fixation of pay. Therefore, we do not find any infirmity in respect of the revision of scale of pay made as per the provisions of the Pay Rules and Government Rules in force. However, the recovery of excess salary



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paid from 11.12.2006, now after a lapse of many years would cause hardship to the employee. The petitioner is receiving one increment from 11.12.2006 i.e., for the past more than two decades.

4. That being so, the recovery of excess salary alone is to be set aside. Accordingly, the revised pay fixation made by the respondents in accordance with the Pay Rules and Government Orders in force stands confirmed and the recovery of excess salary from the petitioner alone is set aside. Consequently, the Writ Petition stands **allowed-in-part**. No costs.

[S.M.S., J.] [C.K., J.]
10.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The Secretary to Government,

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Home (Court-V) Department,
Fort St.George,
Chennai - 9.

2. The Registrar General,
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Chennai - 104.
3. The Principal District Judge,
Cuddalore District,
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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

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Order in
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