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W.P.No.6316 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.6316 of 2025

and

W.M.P.No.6951 of 2025

V.Vijayarangan

... Petitioner

Vs.

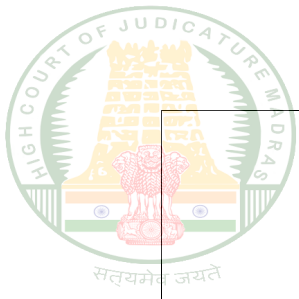
1.The Registrar General,
High Court of Madras,
Chennai - 600 104.

2.Additional District Judge,
Fast Track Court, Arani,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order dated 26.04.2024 made in Dis.No.1075 of 2024 on the file of the 2nd respondent herein and quash the same and consequently directing the 2nd respondent to reimburse the amount deducted from the petitioners salary from the month of April 2024 to January 2025 based on the impugned order dated 26.04.2024 made in Dis. No.1075 of 2024 on the file of the 2nd respondent.

*[Prayer amended as per order dated 10.03.2025 in
WMP.No.8505 of 2025 in W.P.No.6316 of 2025]*



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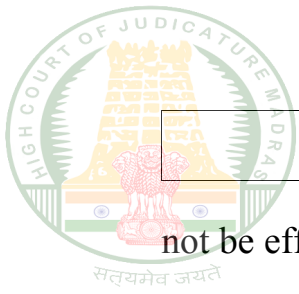
For Petitioner : Mr.M.Sathyamoorthy
For Respondents : Mr.V.Vasanth Kumar,
Standing Counsel

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge is to the order of recovery dated 20.03.2024 consequent upon re-fixation of the salary of the petitioner, since it was found that the petitioner was not entitled to an increment which was restricted to persons appointed between 01.04.2003 and 31.12.2005. The petitioner was appointed in the year 2007. Therefore, the excess salary that was paid to the petitioner to the tune of Rs.1,20,988/- was directed to be recovered. It is this recovery order that is under challenge.

2. Admittedly, the petitioner is a Group - C employee and recovery is directed to be effected from the salary paid from 22.01.2007 to 30.11.2022. This order of recovery is directly in violation of the judgment of the Hon'ble Supreme Court in *State of Punjab and Others Vs. Rafiq Masih (White Washer's case)* reported in *AIR 2015 SC 696*, wherein the Hon'ble Supreme Court has held that recovery from Group - C and Group - D employees should



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not be effected.

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3. In view of the same, the order of recovery is set aside. The amount recovered is directed to be re-paid to the employee within a period of eight (8) weeks from the date of receipt of a copy of this order. The re-fixation that was made is sustained. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)

17.03.2025

dsa

Index : No

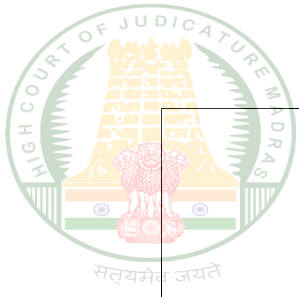
Neutral Citation : No

Speaking order

To

1.The Registrar General,
High Court of Madras,
Chennai - 600 104.

2.Additional District Judge,
Fast Track Court, Arani,
Thiruvannamalai District.



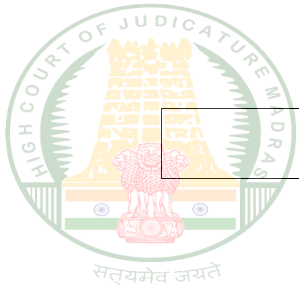
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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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