



WEB COPY



W.P.No.10193 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

Writ Petition No.10193 of 2025
and WMP No.11443 of 2025

C. Tamil Selvi

.. Petitioner

Vs.

1. The Registrar General,
High Court Madras,
Chennai 600 104.
2. The District Judge,
Nagapattinam 611 001.
3. The Sessions Judge,
Fast Track Mahila Court,
Nagapattinam 611 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for, to issue a Writ of Certiorarified Mandamus, to call for the
records relating to the impugned order of the third respondent in Sanction



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Order No.26/2024-2025 dated 07.01.2025 and quash the same and direct the respondents to restore the pay fixation as existed prayer to the impugned order and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.V.Vasanthakumar
Standing Counsel

ORDER

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

Challenge is to the order dated 07.01.2025, in and by which, the Sessions Judge, Fast Track Mahila Court, Nagapattinam, had directed recovery of a sum of Rs.1,17,419/- from the petitioner. Recovery was ordered based on the audit objections made by the Audit Wing of the High Court, on the ground that the scale of pay for the petitioner in the post of Head Clerk, Chief Judicial Magistrate Court, Nagapattinam, was fixed incorrectly with effect from 07.08.2019. In and by the very same proceedings, the salary disbursement Officer had also re-fixed the salary of



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the petitioner.

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2. The main ground of challenge to the order is that recovery cannot be made. The question of recovery is covered by 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*. A Division Bench of this Court in *P.Ponnusamy Vs. The Registrar General, High Court of Madras* made in *W.P.No.8952 etc., batch of 2023* dated *04.03.2024* has, after referring to the relevant precedents on the point held that recovery cannot be made but, the Division Bench in the said judgment has also pointed out, re-fixation that has been done in accordance with pay rules shall be sustained. The said judgment, in our opinion, squarely covers the issue raised in this writ petition also.

3. In view of the same, this Writ Petition is **partly allowed**, quashing the order to the extent that it directs recovery of the excess amount paid to the petitioner. The re-fixation done is sustained. If any recovery had been made, the amount recovered alone shall be repaid to the petitioner within a period of twelve weeks from the date of receipt of a copy of this



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order. There shall no order as to costs. Consequently the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
25.03.2025

jv

Index: No
Speaking order
Neutral Citation: No

To

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and
G. ARUL MURUGAN, J.

(jv)

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