



WEB COPY



W.P.No.12085 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE G. ARUL MURUGAN**

Writ Petition No. 12085 of 2025
and WMP Nos.13645 of 2025

S. Devaki

.. Petitioner

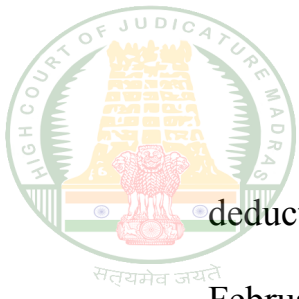
Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorari calling for the entire records relating to the Impugned Order dated 26.04.2024 made in Dis.No. 1074 of 2024 on the file of the 2nd respondent herein and quash the same and consequently directing the 2nd respondent to reimburse the amount



W.P.No.12085 of 2025

deducted from the petitioner's salary from the Month of April 2024 to February 2025 based on the Impugned Order dated 26.04.2024 made in Dis.No. 1074 of 2024 on the file of the 2nd respondent.

For Petitioner : Mr. M.Sathyamoorthy

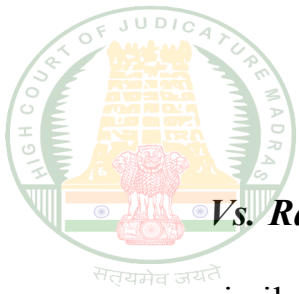
For Respondents : Mr.P. Kannan Kumar

ORDER

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

Challenge is to the order re-fixing the salary of the petitioner after rectifying the mistake in grant of an increment which was wrongly granted to the petitioner.

2. The fact that the petitioner was promoted on 07.02.2018 are not in dispute. The determination of the salary of the petitioner at Rs.22,700/- instead of Rs.22,000/- has since been rectified by the order impugned in the Writ Petition. However, the recovery made cannot be sustained in view of the judgment of the Hon'ble Supreme Court in ***State of Punjab and Others***



W.P.No.12085 of 2025

Vs. Rafiq Masih (White Washer's case) reported in ***AIR 2015 SC 696***. In

similar matters, we had already set aside the orders of recovery while sustaining the orders of re-fixation of the salary.

3. In view of the same, the Writ Petition is partly allowed. The order re-fixing the salary of the petitioner is sustained. The orders of recovery are set aside. Any amount recovered from the petitioner pursuant to the order impugned shall be repaid with in a period of 8 weeks from the date of receipt of the copy of the order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
07.04.2025

jv

Index: No
Speaking order
Neutral Citation: No

To

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

3/5



WEB COPY

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



W.P.No.12085 of 2025



WEB COPY



W.P.No.12085 of 2025

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

(jv)

Writ Petition No. 12085 of 2025
and WMP Nos.13645 of 2025

07.04.2025