

WEB COPY



W.P.No.14715 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.14715 of 2025

and

W.M.P.Nos.16607 & 16609 of 2025

S.Vijayan

... Petitioner

Vs.

1.The Principal District Judge,
Thiruvarur District,
Thiruvarur.

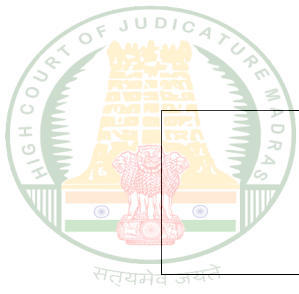
2.The Registrar General,
Madras High Court,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India parying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in No.Nil, dated 05.02.2021, quash the same.

For Petitioner : Mr.T.S.Baskaran

For Respondents : Ms.B.Poongkhulali,
Standing Counsel.



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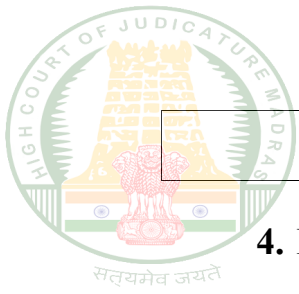
ORDER

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

Challenge is to the order of recovery based on the audit objection to the effect that Personal Pay of Rs.177/- was sanctioned to the petitioner to which he is not entitled.

2. The recovery has been directed for the period from 01.10.2002 to 31.08.2019 vide order dated 05.02.2021. Admittedly the petitioner is a Group-C employee. Therefore, the order of recovery militates against 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*.

3. In view of the above while sustaining the re-fixation of pay of the petitioner, the orders of recovery alone will stand set aside. If any amount recovered pursuant to the order dated 05.02.2021, the same shall be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. If the petitioner is aggrieved by the re-fixation made, it is open to the petitioner to give a representation. Since the petitioner was not heard before the order impugned was passed, if a representation is made, the District Judge will consider the same in accordance with law.

5. Accordingly, this Writ Petition is **disposed of**. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M.,J.) (G.A.M.,J.)
24.04.2025

dsa

Index : No

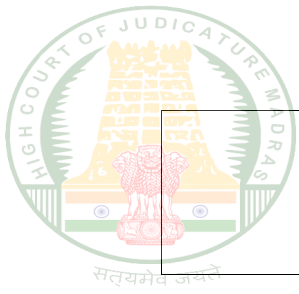
Neutral Citation : No

Speaking order

To

1.The Principal District Judge,
Thiruvarur District,
Thiruvarur.

2.The Registrar General,
Madras High Court,
Chennai.



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and
G.ARUL MURUGAN, J.

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