



WEB COPY

W.P.No.12772 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No. 12772 of 2025

V.Malar

... Petitioner

Vs.

1.The Registrar General,
The Hon'ble High Court of Madras,
High Court Building,
Chennai - 600 104.

2.The Principal District Judge,
Villupuram District Court,
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, calling for the records in impugned proceedings in D.No.990 of 2023 dated 12.01.2023 passed by the 2nd respondent for recovery of excess pay and allowance of Rs.1,03,740/- from the petitioner and qash the same and consequently direct the respondents to remit back the recovered amount of Rs.1,03,740/- to the petitioner within a time.



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For Petitioner : Mr.G.Balamanikandan

For Respondents : Mr.M.Palanimuthu

ORDER

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

The salary of the petitioner was re-fixed by the proceedings of the Principal District Judge, Villupuram dated 12.01.2023 and as a consequence recovery of a sum of Rs.1,03,740/- was directed to be made. The recovery relates to the period from 01.10.2007 to 31.12.2022. The petitioner is Group-IV employee. The fact that there was a wrong fixation is admitted. Therefore, the re-fixation of the pay of the petitioner cannot be faulted. As regards the recovery, the issue 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*.

2. In view of the same, this Writ Petition is **partly allowed**, while sustaining the orders of re-fixation, the orders of recovery alone are set aside. It is also stated that the employee has retired and the amount has been recovered. Any amount recovered pursuant to the order impugned in the writ petition namely, the order dated 12.01.2023, will be repaid to the

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petitioner within a period of twelve weeks from the date of receipt of a copy
of this order. No costs.

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(R.S.M., J.) (G.A.M., J.)
08.04.2025

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Index: No
Speaking order
Neutral Citation : No

To:-

- 1.The Registrar General,
The Hon'ble High Court of Madras,
High Court Building,
Chennai - 600 104.
- 2.The Principal District Judge,
Villupuram District Court,
Villupuram.

R.SUBRAMANIAN, J.
and

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G. ARUL MURUGAN, J.

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