



WEB COPY

W.P.No. 14505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

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

W.P.No. 14505 of 2025
and
W.M.P.No. 16402 of 2025

R.Suresh

...Petitioner

Vs.

1.The Principal Secretary,
Human Resources Management Department,
Secretariat, Chennai - 600009.

2.The Registrar General,
High Court, Madras.

3.The District & Sessions Judge,
District Court, Thirupathur,
Thirupathur District.

4.The Principal District Judge,
District Court, Vellore,
Vellore District.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order issued by the 3rd respondent dated 29.07.2024 bearing Dis.No.1460/Shr(Admin)/2024 and the consequential order of teh 4th

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respondent dated 21.03.2025 vide ORDER DIS.NO.2867 of 2025 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.K.Sharath Chandran

For Respondents : Mr.T.Chandrasekaran

Special Govenment Pleader for R1

Mr.J.Chandran Sundar Sashi Kumar

Standing Counsel for R2 to R4

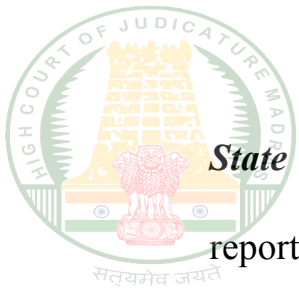
ORDER

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

Challenge is to the order of re-fixation and consequent recovery passed by the learned Principal District Judge, Vellore.

2. Upon audit, it was discovered that annual increment of Rs.100/- was granted to the petitioner, without him passing the departmental test, with effect from 01.01.2005. The order impugned in the writ petition seeks to rectify the error and also recover the excess salary paid.

3. Mr.K.Sharath Chandran, learned counsel appearing for the petitioner would submit that in so far as the order relates to recovery, it is directly in contravention to the judgment of the Hon'ble Supreme Court in



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State of Punjab and Others Vs. Rafiq Masih (White Washer's case)

reported in ***AIR 2015 SC 696***. As regards the re-fixation, the learned

counsel would submit that since the orders were passed without notice to the petitioner, the petitioner may be given an opportunity to make a representation to the Authority seeking reconsideration of the order. We find that the submission of the learned counsel is acceptable.

4. Hence, this Writ Petition is **partly allowed**, the order of the learned District Judge dated 21.03.2025 is quashed in so far as it relates to recovery. Any amount recovered, shall be repaid to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner will be at liberty to make a representation to the Principal District Judge, if he has any grievance on the re-fixation. No costs. Consequently, connected miscellaneous petition is closed.

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

23.04.2025

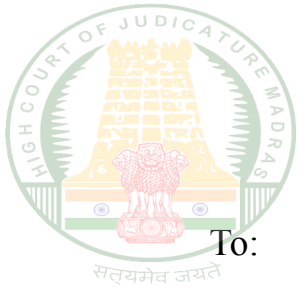
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and
G.ARUL MURUGAN, J.

KKN

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