



WEB COPY

W.P.No.19825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

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

W.P.No. 19825 of 2024
and
W.M.P.No.21715 & 21716 of 2024

B.Sivashanmugam

...Petitioner

Vs.

1.The Secretary to Government,
Home (Courts-V) Department,
Secretariat, Fort St.George,
Chennai- 9.

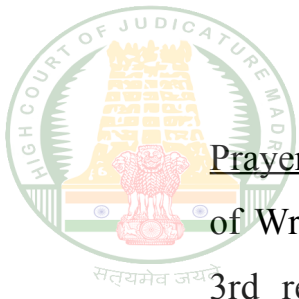
2.The Registrar General,
Madras High Court, Chennai - 104.

3.The Audit Superintendent,
Internal Audit Wing,
Madras High Court, Chennai - 104.

4.The Principal District Judge,
Cuddalore District, Cuddalore.

5.The Judicial Magistrate No.II,
Chidambaram.

...Respondents



Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the 3rd respondent in Audit Slip No.11 dated 04.01.2023 with respect to refixation of pay and the consequential recovery proceedings issued by the 5th respondent dated 25.08.2023 and quash the same and direct the respondents to regularize the petitioner's service from the date of joining in the post of Typist / Copyist namely, 27.08.2007 with all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataraman, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.K.H.Ravikumar
Government Advocate for R1
Mr.Chandran Sundar Sashikumar
for R2 to R5

ORDER

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

The petitioner who was appointed temporarily to the post of Copyist on 27.08.2007 was regularized with effect from 09.07.2009. While fixing the pay on the date of his regularization, the same was wrongly fixed, granting increments for the period, during which, she has served as a temporary Employee. This anomaly was found out only in the year 2023 and an order re-fixing the salary of the petitioner was passed in 2024 with a



direction recover the excess amount paid.

WEB COPY 2. We have heard Mr.K.Venkataramani, learned Senior Counsel for the petitioner, Mr.Chandran Sundar Sashikumar, learned counsel appearing for the respondents 2 to 5 and Mr.K.H.Ravikumar, learned counsel for the 1st respondent.

3. The issue in this writ petition is squarely covered by the pronouncement of this Court. Though Mr.K.Venkataramani, learned Senior Counsel would contend that regularization in this case must have been in 2007, the said contention was rejected by a Division Bench of this Court in *D.Devi Vs. The Secretary to Government* made in W.P.No.13454 of 2024 wherein, the Division Bench has interfered with the order only to the extent that it directs recovery of the excess salary paid.

4. In view of the same, this Writ Petition is **partly allowed**. The portion of the order, directing recovery alone is quashed. Re-fixation is sustained. Any amount recovered from the petitioner under impugned proceedings shall be refunded to him within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected



miscellaneous petitions are closed.

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(R.S.M., J.) (G.A.M., J.)
21.02.2025

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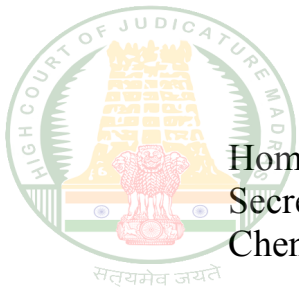
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Neutral Citation : No

To:

1. The Secretary to Government,

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Home (Courts-V) Department,
Secretariat, Fort St.George,
Chennai- 9.

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2.The Registrar General,
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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.



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