



WEB COPY



W.P.No.18627 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18627 of 2025
and
W.M.P.No.20869 of 2025

N.Periyasamy

...Petitioner

Vs.

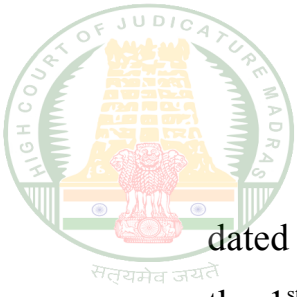
1.The Principal District Judge,
Krishnagiri District Court,
Krishnagiri.

2.The Subordinate Judge,
Uthangarai Sub-Court,
Uthangarai,
Krishnagiri District.

3.The Treasury Officer,
District Treasury Office,
Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in ROC.No.12 of 2023



W.P.No.18627 of 2025

dated 26.05.2023 to recover Rs.1,70,132/- and the further order passed by the 1st respondent in ROC.No.10523 of 2024 dated 08.08.2024 to recover Rs.1,77,250/- and quash the same as illegal and direct the 1st respondent to refund a sum of Rs.1,77,250/- recovered from the petitioner, being the excess pay and allowance due to wrong fixation of pay for the period from 01.07.2013 to 30.04.2023.

For Petitioner : Mr.A.E.Ravichandran

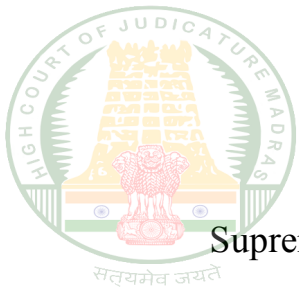
For Respondents : Ms.P.Selvi

ORDER

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

Challenge is to the order of recovery passed by the 2nd respondent, consequent upon re-fixation of the salary of the petitioner, which was erroneously fixed.

2. Admittedly the petitioner is a Group - C employee. Therefore, recovery is governed 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***. In view of the pronouncement of the Hon'ble



W.P.No.18627 of 2025

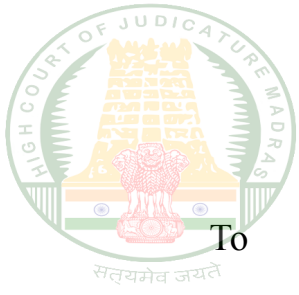
Supreme Court, the order of recovery cannot be sustained. The petitioner cannot make a grievance on the re-fixation, as admittedly his pay was erroneously fixed.

3. Therefore, while sustaining the re-fixation made, the order of recovery alone is set aside. Any amount recovered pursuant to the order impugned, shall be re-paid to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above directions, this Writ Petition is **disposed of**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.G.T.,J.)
11.06.2025

dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



W.P.No.18627 of 2025

To

WEB COPY

1. The Principal District Judge,
Krishnagiri District Court,
Krishnagiri.
2. The Subordinate Judge,
Uthangarai Sub-Court,
Uthangarai,
Krishnagiri District.
3. The Treasury Officer,
District Treasury Office,
Krishnagiri.



WEB COPY



W.P.No.18627 of 2025

R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

dsa

W.P.No.18627 of 2025

11.06.2025