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W.P.No.19150 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.19150 of 2025
and
W.M.P.No.21425 of 2025

D.Valivitta Selvakumar

...Petitioner

Vs.

1.The Registrar General,
High Court Madras – 104.

2.The Principal District Judge,
Tiruppur.

3.The Exclusive Motor Accident Claims Tribunal,
Tiruppur.

4.The Sessions Judge,
Magalir Neethimandram,
Fast Track Mahila Court,
Tiruppur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of recovery order in proceeding No.44(a)/2022 dated 24.08.2022 passed by the



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3rd respondent and quash the same and consequently direct the respondents to remit back the recovered amount of Rs.2,29,606/- to the petitioner.

For Petitioner : Mr.S.Tamilselvan

For Respondents : Mr.John J.Raja Singh

ORDER

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

Challenge is to the order of recovery passed by the 3rd respondent, consequent upon re-fixation of the salary of the petitioner, which was erroneously fixed at the time when he entered the service.

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 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.



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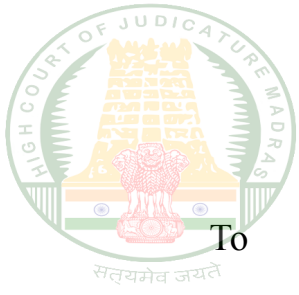
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3. Therefore, while sustaining the re-fixation made, the order of recovery alone is set aside. Any amount recovered pursuant to the order impugned, shall be re-paid to the petitioner within a period of twelve (12) weeks from the date of receipt of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

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

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



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To

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

dsa

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