



WEB COPY



W.P.No.21257 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER

W.P.No.21257 of 2025
and
W.M.P.No.24009 of 2025

V.Umarani

...Petitioner

Vs.

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

2.The Family Court Judge,
Family Court,
Krishnagiri.

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in ROC.No.847 of 2023 dated 17.06.2023 to recover Rs.2,09,161/- as excess pay and allowance due to wrong fixation of pay for the period from 01.02.2010 to 31.05.2023 and quash the same as illegal and direct the 1st respondent to refund the recovered amount to the petitioner within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Mr.M.Palanimuthu for R1 & R2

Mr.S.Yashwanth,

Additional Government Pleader for R3

ORDER

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

Challenge is to the order of the Family Court, Krishnagiri re-fixing the salary of the petitioner by withdrawing the increment granted when the petitioner was posted as Bench Clerk Grade - III from the post of Assistant.



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2. An increment that was granted went against the relevant

Government Orders that came into force in the year 2009. Since the increment itself has been granted against the relevant Government Orders, the learned counsel appearing for the petitioner is unable to pick holes with the issue of re-fixation. However, the learned counsel would submit that the orders of recovery consequent upon re-fixation are against 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*.

3. We find that the said argument of the learned counsel for the petitioner is sustainable in view of the fact that the Hon'ble Supreme Court in *State of Punjab and Others Vs. Rafiq Masih (White Washer's case)* reported in *AIR 2015 SC 696* has held that recoveries cannot be effected from Group - C and Group - D employees.

4. In view of the settled position of law, this Writ Petition is **partly allowed**. While sustaining the re-fixation, we set aside the order of recovery alone. Any amount recovered from the petitioner pursuant to the



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order of re-fixation shall be paid over to the petitioner within a period of

twelve (12) weeks from the date of receipt of a copy of this order. No costs.

Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.S.,J.)
16.06.2025

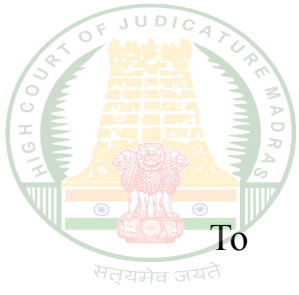
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Index : No

Internet : Yes

Neutral Citation : No

Speaking order



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To

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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

dsa

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