



WEB COPY

W.P.No.21909 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM:

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

Writ Petition No. 21909 of 2025
and
W.M.P.Nos.24675 & 24676 of 2025

S.Elangovan

.. Petitioner

Vs.

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

2.The District Munsif Cum Judicial Magistrate,
District Munsif Cum Judicial Magistrate Court,
Pennagaram,
Dharmapuri District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in ROC.No.40 of 2022 dated 28.10.2022 to recover Rs.1,17,319/- being the excess pay and



allowance due to wrong fixation of pay for the period from 25.09.2008 to 30.09.2022 and quash the same as illegal and direct the 1st respondent to refund the recovered amount to the petitioner within a reasonable time.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Mr.P.Kannan Kumar for R1 and R2

ORDER

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

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

2. As regards the recovery, the issue is covered 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***. As regards the re-fixation, we do not see any grievance for the petitioner as the wrong fixation has been rectified. Hence, while sustaining the re-fixation, we only set aside the order of recovery. If any amount recovered pursuant to the order impugned in this Writ Petition, the same 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.

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3. Accordingly, this Writ Petition is **partly allowed**, while sustaining the order of re-fixation, the order of recovery alone is set aside. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K. SURENDER, J.)
20.06.2025

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order



To

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