



WEB COPY

W.P.No.23706 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

CORAM:

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

Writ Petition No. 23706 of 2025
and
W.M.P.Nos.26679 & 26680 of 2025

K.Udayakumar

.. Petitioner

Vs.

1.The Registrar General,
High Court of Madras,
Chennai – 600 104.

2.Principal Secretary of Government,
Home (Court V),
Secretariat Buildings,
Fort St. George,
Chennai – 600 009.

3.The Principal District Judge,
Erode.

4.The Principal Accountant General (A&E),
AG's Office (Audit) Complex,
Teynampet, Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for, to issue a Writ of Certiorarified Mandamus, to call for the

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records pertaining to Letter No.2087/2025 dated 17.03.2025 on the file of 3rd respondent and quash the same as illegal and without jurisdiction and consequently direct the respondents to refund a sum of Rs.5,04,268/- recovered from the petitioner.

For Petitioner : Ms.Gopika Nambiar
For Mr.Sharath Chandran

For Respondents : Mr.M.Palanimuthu for R1

Mr.T.Chandrasekaran,
Special Government Pleader for R2

ORDER

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

Challenge is to the order of recovery passed by the Principal District Judge, Erode dated 17.03.2025.

2. An amount of Rs.5,04,268/- is sought to be recovered from the petitioner on the ground that he has been granted increment when he was promoted from the post of Assistant to Bench Clerk Grade - III way back in 2013. The petitioner is due to retire on 31.10.2025. This order of recovery is straight away hit by the judgment of the Hon'ble Supreme Court in ***State of Punjab and Others Vs. Rafiq Masih (White Washer's case)*** reported in 2/5



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AIR 2015 SC 696, wherein the Hon'ble Supreme Court had held that recovery from retired employees or employees who are due to retire within one year shall not be made. Clause (iii) of paragraph No.18 of the judgement of the Hon'ble Supreme Court would also apply to the facts of this case.

3. Hence, the orders of recovery are quashed. The writ petition stands allowed. If any recovery has been made pursuant to the order impugned, the same shall be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K. SURENDER, J.)
01.07.2025

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Index : No

Internet : Yes

Neutral Citation : No

Speaking order

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To

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