



WEB COPY

W.P.No.24028 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

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

Writ Petition No. 24028 of 2025
and
W.M.P.No.27028 of 2025

K.Sridhar

.. Petitioner

Vs.

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

2.The Chief Administrative Officer,
O/o.The Principal District Court,
Dharmapuri.

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 1st respondent in R.O.C.No.5084 of 2022 dated 19.10.2022 and further order in R.O.C.No.5084 of 2022 dated 30.12.2022 to recover as sum of Rs.1,98,775/-

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being the excess pay and allowance due to wrong fixation of pay for the period from 02.12.2009 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 as may be fixed by this Court.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Ms.N.K.Kanthimathi for R1 & R2

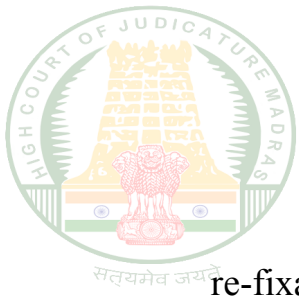
Mr.T.Chandrasekaran,
Special Government Pleader for R3

ORDER

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

Challenge is to the order of recovery passed by the learned Principal District Judge, Dharmapuri dated 09.10.2022. The recovery order is passed on the premise that inadmissible increment was sanctioned to the petitioner in the post of the Assistant Bench Clerk on 02.12.2009 on incorrect fixation of pay on promotion.

2. Admittedly, the petitioner belongs to Group - C post. Therefore, the order of recovery cannot be made in terms of 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*.



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3. Hence, the Writ Petition will stand **allowed**. While sustaining the re-fixation, the orders of recovery alone is set aside. Any amount recovered pursuant to the order impugned 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 petition is closed.

(R.SUBRAMANIAN, J.) (K. SURENDER, J.)
03.07.2025

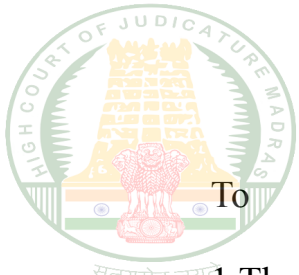
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Index : No

Internet : Yes

Neutral Citation : No

Speaking order



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To

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Dharmapuri District Court,
Dharmapuri.
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O/o. The Principal District Court,
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and
K. SURENDER, J.

dsa

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