



WEB COPY

W.P.No.27208 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

**W.P.No. 27208 of 2024**  
**and**  
**W.M.P.No.29711 of 2024**

V.Sekar

...Petitioner

Vs.

1.The Assistant Accountant,  
Office of the Accountant General (A&E),  
Tamil Nadu, Chennai.

2.The Registrar General,  
High Court, Madras.

3.The Principal District Judge,  
Kancheepuram District,  
Chengalpattu.

...Respondents

**Prayer:** Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the Subordinate Court, Tambaram in his proceeding vide D.No.523 of 2018 dated 07.05.2018 and to quash the same and consequentially direct the respondents to consider the Office Note dated .03.2018 and to view of the order passed by this Court in W.P. No.35261 of 2022.

1/5



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W.P.No.27208 of 2



For Petitioner : Mr.G.Ilamurugu  
For Respondents : Mr.V.Vijay Shankar,  
Standing Counsel for R1  
Ms.B.Poonghulali,  
Standing Counsel for R2 & R3

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### **ORDER**

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

Challenge is to the order of re-fixation of salary and recovery of excess amount paid dated 07.05.2018.

2. It is not in dispute that the petitioner is Class III employee and he has also retired on 30.06.2015. The orders of recovery was passed on 07.05.2018. Insofar as the recovery is concerned the issue is squarely 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***.



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3. Therefore, the Writ Petition is partially allowed. The order of recovery of excess salary and other benefits alone is set aside. Re-fixation done is sustained. If any amount has been recovered from the petitioner, the same shall be refunded to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order. It is also made clear that a sum of Rs.20,000/- directed to be recovered from the petitioner as a result of disciplinary proceedings will stand. The re-fund shall be the recovered amount less Rs.20,000/-. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)  
21.02.2025

dsa

Index : No

Neutral Citation : No

Speaking order



W.P.No.27208 of 2

To.

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**R.SUBRAMANIAN, J.**  
**and**  
**G.ARUL MURUGAN, J.**

dsa

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