



W.P.No.32782 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

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

W.P.No. 32782 of 2024
and
W.M.P.No. 35616 of 2024

B.Rathinavel

...Petitioner

Vs.

1.The Sub-Ordinate Judge,
Madhurandagam,
Kancheepuram.

2.The District Treasury,
Chengalpattu.

3.The Assistant Accountant,
Office of the Accountant General (A & E),
Tamilnadu, Chennai.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records orders of the 1st respondent Office Note dated 04.11.2017 and to quash the same and consequently direct the respondent to pay the reserved amount of the petitioner in view of the order passed in W.P.No.35261 of 2022 dated 15.02.2024.



For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.C.R.Malarvannan for R1

Mr.V.Vijay Shankar

Standing Counsel for R3

Mr.P.Balathandayutham

Special Government Pleader for R2

ORDER

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

Challenge is to the order of the learned Sub-ordinate Judge, Maduranthagam, re-fixing the salary of the petitioner on the ground that his selection grade pay was fixed wrongly when he was appointed as a Junior Bailiff Selection Grade in the year 2003.

2. By the impugned proceedings, the learned Sub-ordinate Judge has, after re-fixing the pay, directed recovery from the gratuity of the petitioner. 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* as well as the judgment of this Court in *P.Ponnusamy Vs. The Registrar General, High Court of Madras* made in *W.P.No.8952 etc., batch of 2023* dated *04.03.2024*.



3. Hence, this Writ Petition will stand **allowed**, the order of recovery will stand set aside, since the petitioner has already retired and, the re-fixation is sustained. The pension of the petitioner will be re-worked as per the re-fixation done. If any recovery had been made, the amount recovered alone shall be repaid to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
13.02.2025

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

To:

1. The Sub-Ordinate Judge,
Madhuranthagam,
Kancheepuram.

2. The District Treasury,
Chengalpattu.

3. The Assistant Accountant,
Office of the Accountant General (A & E),

3/4



Tamilnadu, Chennai.

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

KKN

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