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W.P.No.24932 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

Writ Petition No. 24932 of 2024
and WMP Nos.27278 and 27279 of 2024

M.Sabirunnisa
W/o. Kallel,
Steno Typist, Grade I,
Labour Court, Cuddalore on Deputation at
Special District Judge No.II,
Special District Court No.II to deal with
MCOP Cases, Cuddalore.

.. Petitioner

Vs.

1. The Registrar General,
High Court,
Chennai 600 104.
2. The Presiding Officer,
(Full Additional Charge)
Labour Court,
Cuddalore 607 001.
3. The Principal District Judge,
Cuddalore District,
Cuddalore 607 001.

... Respondents



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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 of the 2nd respondent in connection with the impugned order passed by him in DO No.523/2023 dated 23.08.2023, based on the impugned audit para 2 objections received from first respondent in ROC No.105514/A/2022/IAW dated 26.7.2023 and the consequential order of recovery passed by the second respondent in Order No.88/2024 dated 01.07.2024, quash the same and direct the respondents to restore the original pay to the petitioner and grant her all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
Mr.M.Muthappan

For Respondents : Mr. R.Sunilkumar

ORDER

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

Challenge is to the order of the Labour Court, Cuddalore dated 01.07.2024 directing recovery of a sum of Rs.3,60,216/- for the period from 01.09.1998 to 31.05.2024. According to the impugned order, the excess pay is as a result of wrong fixation of the personal pay that the petitioner would be entitled to.



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2. The main ground of challenge to the order is that recovery cannot be made since the petitioner belongs to Group C. The question of recovery 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***. A Division Bench 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*** has, after referring to the relevant precedents on the point held that recovery cannot be made but, the Division Bench in the said judgment has also pointed out, re-fixation that has been done in accordance with pay rules shall be sustained. The said judgment, in our opinion, squarely covers the issue raised in this writ petition also.

3. Therefore, while sustaining the orders of re-fixation, the order of recovery alone will stand set aside. Hence, the Writ Petition is allowed partly as indicated above. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
27.03.2025

jv

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Index: Yes/No
Speaking order/Non Speaking order
Neutral Citation: Yes/No

To

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(Full Additional Charge)
Labour Court,
Cuddalore 607 001.
3. The Principal District Judge,
Cuddalore District,
Cuddalore 607 001.



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

(jv)

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