



W.P.Nos.30700 & 30701 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.Nos.30700 & 30701 of 2025

K. Indhu .. Petitioner in
W.P.No.30700 of 2025

P. Radha .. Petitioner in
W.P.No.30701 of 2025

Vs.

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

2. The Principal District Judge
Dharmapuri District Court
Dharmapuri.

3. The Treasury Officer
District Treasury Office
Dharmapuri. .. Respondents in
W.P.No.30700 of 2025

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

2. The Principal District Judge
Dharmapuri District Court
Dharmapuri.

3. Principal Subordinate Judge
Sub-Court, Dharmapuri.



W.P.Nos.30700 & 30701 of 2025

4. The Treasury Officer
District Treasury Office
Dharmapuri.

Respondents in
.. W.P.No.30701 of 2025

Prayer in W.P.No.30700 of 2025: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records pertaining to the order passed by the second respondent in R.O.C.No.5084 of 2022 dated 09.05.2022 to recover Rs.49,482/- being the excess pay and allowance due to wrong fixation of pay for the period from 01.10.2017 to 31.07.2022 and quash the same as illegal and direct the second respondent to refund recovered amount to the petitioner within a reasonable time; and

Prayer in W.P.No.30701 of 2025: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records pertaining to the order passed by the second respondent in R.O.C.No.18 of 2022 dated 11.07.2022 to recover Rs.45,836/- being the excess pay and allowance due to wrong fixation of pay for the period from 19.02.2016 to 30.06.2022 and quash the same as illegal and direct the third respondent to refund recovered amount to the petitioner within a reasonable time.

For the Petitioners : Mr.A.E.Ravichandran
in both W.Ps

For the Respondents : Mr.M.T.Arunan
in W.P.No.30700 of 2025 for R1 and R2

Mr.M.Alagu Gowtham
Government Advocate
for R3

For the Respondents : Mr.M.T.Arunan
in W.P.No.30701 of 2025 for R1 to R3

Mr.M.Alagu Gowtham
Government Advocate
for R4



W.P.Nos.30700 & 30701 of 2025

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COMMON ORDER

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

Since the issue raised in both these writ petitions is one and the same, by consent of the learned counsel appearing for both the parties, these writ petitions were heard together and are disposed of by this common order.

2. That the writ petitioners are the employees of the Judicial Department, that is under the Principal District Judge, Dharmapuri. Insofar as fixation of their pay scale is concerned, it was found by the Audit Team that the pay scale, at the initial stage itself, has been wrongly fixed, pursuant to which, excess amount has been paid to them.

3. Therefore, as per the Audit objections, since the pay scale has to be re-fixed and excess payment paid to these employees has to be recovered, show-cause notices were initially issued and subsequent to that, the orders impugned dated 09.05.2022 and 11.07.2022 have been passed, whereby, the pay scale has been re-fixed and the excess amount paid has been directed to be recovered.



W.P.Nos.30700 & 30701 of 2025

4. Though these orders are under challenge in these writ petitions, it is to be noted that the orders are dated 09.05.2022 and 11.07.2022 respectively. These writ petitions are filed only in the year 2025. In the meanwhile, pursuant to the orders impugned, recovery has been effected admittedly and the last installment of such recovery since has been over by October, 2024, the entire amount to be recovered from these two employees having been recovered, whether the principles enunciated by the Hon'ble Supreme Court of India in the the case of ***State Of Punjab & Ors vs Rafiq Masih (White Washer)***¹ would be applicable to these cases is the question.

5. Though it was canvassed by the learned counsel appearing for the writ petitioners in both the cases that such principle could be applied if excess amount has already been paid, for which, no fault could be fastened upon the employees, in that case, the recovery would not be permissible.

6. Based on such principle, the learned counsel, though seeks indulgence of this Court, we are not impressed upon the submissions made by the learned counsel appearing for the writ

¹ 2015 4 SCC 334



W.P.Nos.30700 & 30701 of 2025

petitioners for a simple reason that, insofar as the impugned orders on re-fixation and recovery is concerned, which were passed in May, 2022 and July, 2022, respectively, pursuant to which, in 25 installments, the entire amount, recoverable from these employees, since has been recovered, and the last installment has been over by October, 2024, till such time, the petitioners have not moved anything and have not challenged the order of at least recovery, which is a part of the impugned orders and belatedly, since they have approached this Court only in the year 2025, before which since recovery has completely been made by the respondents, at this juncture, we cannot show our indulgence to give any directions to the employer to return back the recovered money, because, it is admittedly the excess amount paid to them.

7. Only to balance the prejudice to be caused to the employees from recovering that money, the principle since has been enunciated, that if no fault can be attributed on the employee for being paid such excess amount by the employer, on that account, recovery cannot be made. Here, in the case in hand, it was found out subsequently and recovery has been ordered and the recovery has been effected, which has not been questioned by the petitioners. Therefore, because of the latches on the part of the



W.P.Nos.30700 & 30701 of 2025

petitioners, the petitioners lost their right to question the very recovery itself at this juncture.

8. Insofar as the re-fixation is concerned, since fixation of salary at the initial stage itself has wrongly been fixed, there is every justification on the part of the respondents to pass the impugned orders to fix the correct pay scale for these employees.

9. In that view of the aforesaid facts and circumstances, we are not inclined to interfere with the orders impugned at this juncture in both these writ petitions. Resultantly, the writ petitions fail and accordingly, they are dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (H.C., J.)
01.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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W.P.Nos.30700 & 30701 of 2025

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To:

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W.P.Nos.30700 & 30701 of 2025

R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.
(drm)

W.P.Nos.30700 & 30701 of 2025

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