



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 30541 of 2023

and

WMP Nos.30174 of 2023, 6421 & 19899 of 2025

K.Gopalakrishnan

Petitioner(s)

Vs

1. The Registrar of Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai-600 010.

2.The Additional Registrar of Cooperative Societies,
Chennai Region, 91 St. Marys Road,
R.A.Puram, Chennai-600 018.

3.The Deputy Registrar of Cooperative Societies (credit)
Kuralagam Buildings, NSC Bose Road,
Chennai- 600 001.

4.The Management of
The Madras University Teachers Cooperative,
Thrift & Credit Society Ltd., Tolkappiyar Campus,
University of Madras, Chepauk, Chennai-600 005,
Rep. By its Administrator.



Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 4th respondent in his proceedings Nil dated 26.09.2023 and quash the same and consequently directing the respondents 1 to 3 to consider the 4th respondent proposal / letter dated 19.04.2023 and pass orders taking into consideration of G.O. 89 dated 16.05.2000 and Registrars proceedings, No.Na.Ka.12738/ 2010 / Va.Aah1 dated 07.12.2010 and Na.Ka. 93630/2015/Va.aah1(1) dated 08.11.2018 within stipulated time as fixed by this Court (PRAYER AMENDED VIDE ORDER DATED 11.09.2025 MADE IN WMP.6418/2025 IN WP.30541/2023)

For Petitioner (s): Ms.R.Hemalatha

For Respondent(s): Mr.V.Jeevagiridharan AGP

ORDER

This writ petition has been filed to call for the entire records relating to the impugned order passed by the fourth respondent in his proceedings Nil, dated 26.09.2023, quash the same and consequently, direct the respondents 1 to 3 to consider the fourth respondent's proposal/letter dated 19.04.2023 and pass orders taking into consideration the G.O.89, dated 16.05.2000 and Registrars proceedings, No.Na.Ka.12738/2010/Va.Aah1, dated 07.12.2010 and Na.Ka. 93630/2015/Va.aah1(1), dated 08.11.2018, within the stipulated time as fixed by this Court.



2.The case of the petitioner is that the petitioner joined in the service of the fourth respondent Society on daily wages and subsequently, he was promoted as Assistant. While being so, his salary was not fixed on par with the regularised employees. Therefore, the petitioner submitted a representation and the fourth respondent passed an order dated 26.09.2023, thereby ordered to recover the excess payment of salary from the petitioner.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.Insofar as recovery is concerned, the Hon'ble Supreme Court in ***Jagdish Prasad Singh Vs.State of Bihar and Others*** reported in **2024 SCC Online SC 1909** held as follows:

23. In the case of State of Punjab v. Rafiq Masih (White Washer), this Court held as under:

"18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers,



would be impermissible in law:

(i) *Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).*

(ii) *Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.*

(iii) *Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

(iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

(v.) *In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

(emphasis supplied)

5.Hence, the order passed by the fourth respondent in his proceedings Nil, dated 26.09.2023, seeking recovery of excess payment of salary cannot be sustained and it is quashed. Insofar as the revision of time scale of pay, the respondents 1 to 3 are directed to consider the fourth respondent's proposal /



letter, dated 19.04.2023, taking into consideration the G.O. 89, dated 16.05.2000 and Registrars proceedings, No.Na.Ka.12738/2010/Va.Aah1, dated 07.12.2010 and Na.Ka. 93630/2015/Va.aah1(1), dated 08.11.2018 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

25-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

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