



WEB COPY

W.P.No.33946 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. 33946 of 2024
and
W.M.P.Nos.36760 & 36761 of 2024

K.Moorthi

...Petitioner

Vs.

1.The Registrar General,
High Court, Madras.

3.The Principal District Judge,
Cuddalore.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in Order in C.N.No. O/o. No. 29 of 2024 dated 14.05.2024 ordered by 2nd respondent for recovery of excess pay and allowance of Rs. 1,56,319/- from the petitioner.

For Petitioner : Mr.S.Tamilselvan

For Respondents : Mr.M.Palanimuthu



ORDER

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

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Challenge is to the order of recovery consequent upon re-fixation of the salary of the petitioner.

2. The petitioner is a Class III employee. He joined the service on 01.01.2006. Claiming that his salary had been wrongly fixed and as a result of such wrong fixation, he has been paid a sum of Rs.1,21,660/- in excess of his actual entitlement, the Principal District Judge Cuddalore by order dated 14.05.2024 directed recovery of the said sum. He also revised the pay of the petitioner.

3. The issue regarding recover 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*, wherein the Hon'ble Supreme Court had held that if Class III or Class IV employee has been paid in excess of the salary, due to wrong fixation, the same should not be recovered. In view of the same, the order of recovery cannot be sustained.



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4. Therefore, the Writ Petition is partially allowed. The order of recovery alone is set aside and the re-fixation done is sustained. If any amount recovered from the petitioner, pursuant to the order impugned dated 14.05.2024, the same will be re-funded to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

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

dsa

Index : No

Neutral Citation : No

Speaking order

To:

1.The Registrar General,
High Court, Madras.

3.The Principal District Judge,
Cuddalore.



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

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