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W.P.No.36409 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

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

W.P.No. 36409 of 2024

Chandra

...Petitioner

Vs.

1.The Registrar General,
Hon'ble High Court of Madras,
Chennai - 104.

2.The Principal District Judge,
Kallakurichi.

3.The Judicial Magistrate J.M.I,
Ulundurpet.

4.The Sub-Treasury Officer,
Ulundurpt.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to repay the excess pay amount of Rs.2,72,064/- (Rupees Two Lakhs Seventy tow thousand and sixty four only) to the petitioner before on her representation dated 18.11.2024.



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For Petitioner : Ms.K.Bharathi
For Respondents : Mr.Arjun Suresh,
Standing Counsel for RR1 to 3
Mr.S.John J.Raja Singh,
Additional Government Pleader for R4

ORDER

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

The issue raised in this Writ Petition 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*.

2. Admittedly, the petitioner has retired on 31.01.2024. A perusal of the audit objection discloses that the recovery was due to the fact that the petitioner was paid a higher pay consequent upon a wrong pay fixation made at the time of her appointment for the period between 08.07.2009 and 16.07.2019. In *State of Punjab and Others Vs. Rafiq Masih (White Washer's case)* referred to *supra*, the Hon'ble Supreme Court has made it clear that recovery of excess payment cannot be done after retirement of the employees.



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3. Therefore, the recovery based on the audit objection has to be necessarily set aside. It is accordingly set aside and a sum of Rs.2,72,064/- paid by the petitioner pursuant to the direction issued by the Principal District Judge is directed to be returned to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. This Writ Petition is disposed of with the above directions. No costs.

(R.S.M., J.) (G.A.M., J.)
20.02.2025

dsa
Index : No
Neutral Citation : No
Speaking order



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and
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