



W.P.Nos. 37566, 37570, 37574, 37583 & 37586 of 2024
and all the connected Miscellaneous Petitions

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

Today the matter has been listed under the caption "for being mentioned" in the additional list.

2. It has been brought to our notice that there is a typographical error in the order. The respondents 3 and 5 are shown to be The Principal District Judge, Dharmapuri and The District Treasury Officer, Dharmapuri instead of The Principal District Judge, Krishnagiri and The District Treasury Officer, Krishnagiri.

3. Hence, the Registry is directed to issue a corrected order copy describing the respondents 3 and 5 in W.P.Nos.37583 and 37586 of 2024 alone as The Principal District Judge, Krishnagiri and The District Treasury Officer, Krishnagiri.

(R.S.M., J.) (G.A.M., J.)
13.03.2025

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

dsa

W.P.Nos. 37566, 37570, 37574, 37583 & 37586 of 2024

13.03.2025



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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.Nos. 37566, 37570, 37574, 37583 & 37586 of 2024
and

W.M.P.Nos.40604, 40611, 40615, 40619, 40627, 40632 & 40634 of 2024

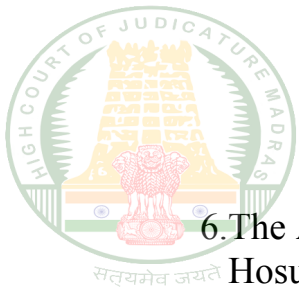
W.P.No.37566 of 2024:

G.Parimelazhagan

...Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
High Court campus,
Chennai - 600 104.
- 2.The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai - 9.
- 3.The Principal District Judge,
Krishnagiri.
- 4.The Principal Accountant General (A and E),
AG's Office (Audit) Complex, Anna Salai,
Roast Revor Garden, Teynampet,
Chennai - 600 018.
- 5.The District Treasury Officer,
Krishnagiri.



6.The Additional District Judge,
Hosur.

...Respondents

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Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in connection with the proceedings of ROC No.460/2024 dated 03.03.2024 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

W.P.No.37570 of 2024:

S.Lakshmi

...Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
High Court campus,
Chennai - 600 104.
- 2.The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai - 9.
- 3.The Principal District Judge,
Dharmapuri.
- 4.The Principal Accountant General (A and E),
AG's Office (Audit) Complex, Anna Salai,
Roast Revor Garden, Teynampet,
Chennai - 600 018.
- 5.The District Treasury Officer,
Dharmapuri.



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6.The Session Judge,
Fast Track Mahila Court,
Dharmapuri.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in connection with the proceedings of ROC No.1086/2022 dated 03.06.2022 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

W.P.No.37574 of 2024:

K.Munusamy

...Petitioner

Vs.

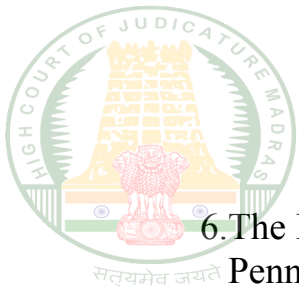
1.The Registrar General,
High Court of Madras,
High Court campus,
Chennai - 600 104.

2.The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai - 9.

3.The Principal District Judge,
Dharmapuri.

4.The Principal Accountant General (A and E),
AG's Office (Audit) Complex, Anna Salai,
Roast Revor Garden, Teynampet,
Chennai - 600 018.

5.The District Treasury Officer,
Dharmapuri.



6.The District Munsif-cum-Judicial Magistrate,
Pennagaram.

...Respondents

WEB COPY

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in connection with the proceedings of ROC No.1662/2022 dated 28.10.2022 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

W.P.No.37583 of 2024:

S.Rajamani

...Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
High Court campus,
Chennai - 600 104.
- 2.The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai - 9.
- 3.The Principal District Judge,
Dharmapuri.
- 4.The Principal Accountant General (A and E),
AG's Office (Audit) Complex, Anna Salai,
Roast Revor Garden, Teynampet,
Chennai - 600 018.
- 5.The District Treasury Officer,
Dharmapuri.
- 6.The District Judge,



Special District Court (MACT),
Krishnagiri.

...Respondents

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Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in connection with the proceedings of ROC No.1068/2023 dated 17.10.2023 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

W.P.No.37586 of 2024:

Chitra Manisekaran

...Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
High Court campus,
Chennai - 600 104.
- 2.The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai - 9.
- 3.The Principal District Judge,
Dharmapuri.
- 4.The Principal Accountant General (A and E),
AG's Office (Audit) Complex, Anna Salai,
Roast Revor Garden, Teynampet,
Chennai - 600 018.
- 5.The District Treasury Officer,
Dharmapuri.
- 6.The District Judge,



Special District Court (MACT),
Krishnagiri.

...Respondents

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Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in connection with the proceedings of ROC No.304A/2023 dated 10.03.2023 & R.O.C.No.628/2023, dated 01.06.2023 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

For Petitioner in all W.Ps : Mr.A.Sakthivel

For Respondents in all W.Ps : Mr.S.Arjun Suresh,
Standing Counsel for RR1, 3 & 6

Mr.S.John J.Raja Singh,
Additional Govt. Pleader for RR2 & 5

Mr.V.Vijay Shankar,
Standing Counsel for R4

COMMON ORDER

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

Challenge in these Writ Petitions is to the re-fixation and recovery

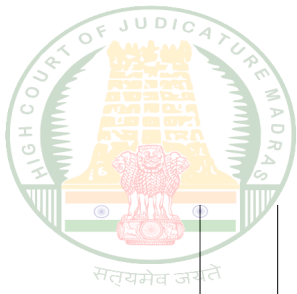


orders passed by the appointing Authorities.

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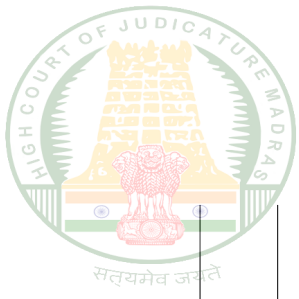
2. The petitioners were working in the judiciary and the details are as follows:-

Sl. No.	Writ Petition Details	Current Post	Date of Impugned Order of recovery and refixation	Particulars of the Impugned Order
1.	W.P.No.37566/2024 Parimelazhagan	Grade I - Bench Clerk - Additional District Court, Hosur	03.03.2024	Inadmissible increment given to petitioner during transfer from Assistant to Bench Clerk - Grade III. As per G.O.Ms.450 dated 11.08.2011 there is no notional increment for the transfer from the post of Assistant to Bench Clerk Grade III as both posts fall under the same category of Class IV with identical pay-scales. Recovery: 1. Overpayment of Rs.3,32,830/- for the period between 01.01.2007 to 29.02.2024. 2. Overpayment to be recovered from salary in 24 instalments. Re-fixation: 3. Basic pay revised from Rs.60,000/- to Rs.57,100/- per month.
2.	W.P.No.37570/2024 S.Lakshmi	Sheristadar - Fast Track Principal District Judge, Krishnagiri	03.06.2022	Inadmissible sanction of increment on transfer from post of Copyist to Typist. Recovery:



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				1. Overpayment of Rs.3,17,816/- for the period between 01.04.2003 to 31.05.2022. 2. Overpayment to be recovered from salary in 32 instalments. Re-fixation: 3. Basic pay revised from Rs.68,200/- to Rs.66,200/- per month.
3.	W.P.No.37583/2024 S.Rajamani	Retired on 31.05.2023 as Bench Clerk - Grade I - Special District Court (MACT), Krishnagiri	17.10.2023	5% personal pay inadvertently given. Recovery: 1. Overpayment of Rs.8,32,120/- for the period between 02.04.2001 to 28.02.2023. 2. Recovered from the petitioner. Re-fixation: 3. Basic pay revised from Rs.62,700/- to Rs.55,700/- per month from July.
4.	W.P.No.37586/2024 Chitra Manisekaran	Retired on 31.05.2023 as Snr. Sheristadar, Sub Court (MACT), Krishnagiri	10.03.2023 and 01.06.2023	5% personal pay inadvertently given w.e.f.02.04.2001. Recovery: 1. Overpayment of Rs.5,60,672/- for the period between 02.04.2001 to 28.02.2023. 2. Recovered from death-cum-retirement gratuity. Re-fixation: 3. Basic pay revised from Rs.57,400/- to Rs.51,000/- per month from March 2023.
5.	W.P.No.37574/2024 K.Munusamy	Retired on 30.04.2024 as Senior Baliff	28.10.2022	Inadvertent revision in pay basis of G.O.Ms.No.234 dated 01.06.2009; notionally fixed from 01.01.2006 and excess pay and allowance paid from



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			01.07.2013. Recovery: 1. Overpayment of Rs.2,17,047/- for the period between 01.07.2009 to 30.09.2022. 2. Overpayment to be recovered from salary in 14 instalments from October 2022 onwards. Re-fixation: 3. Pay to be fixed at Rs.39,700/- as on 01.01.2022.
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3. Re-fixation was done mainly on the ground that there was a miscalculation and wrong sanction of increments. It is not in dispute that all these employees belong to Class III or Class IV services. Their case is squarely 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 69*, wherein, the Hon'ble Supreme Court had held that recovery due to wrong fixation cannot be made in cases of Class III and IV employees.

4. Hence, all these Writ Petitions will stand **allowed**. The orders of recovery will stand quashed. However, the re-fixation made is sustained. If any recovery had been made, the same shall be re-funded to the employees within a period of twelve (12) weeks from the date of receipt of a copy of this



order. No costs. Consequently, the connected miscellaneous petition is closed.

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

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Index : No

Neutral Citation : No

Speaking order



To:

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