



WEB COPY

W.P.No.37687 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. 37687 of 2024
and
W.M.P.No.40783 of 2024

V.Gunalan

...Petitioner

Vs.

1.The Registrar General,
High Court of Judicature at Madras,
High Court Buildings,
Chennai - 600 104.

2.The Principal District Judge,
Tiruvallur,
Tiruvallur District.

3.The District Munsif,
District Munsif Court,
Tiruttani.

4.The Principal Accountant General,
(Accounts and Entitlement),
No.361, Anna Salai,
Teynampet, Chennai.

...Respondents



Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 2nd respondent vide order in Dis No.200/2020 dated 10.06.2020 and all consequential proceedings taken in pursuance of the impugned order passed by the 3rd respondent and quash the same and consequently direct the respondents to refund of Rs.2,16,862/- (Rupees Two Lakhs sixteen Thousand Eight hundred and sixty two) recovered from petitioner along with interest, within a time frame fixed by this Honourable Court and thereby revise and refix the scale of the petitioner by restoring his old scale of pay.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.Arjun Suresh,
Standing Counsel for RR1 to 3
Mr.V.Vijayashankar 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*.



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2. The order of recovery was passed consequent upon re-fixation of his salary, as it was found that there was a wrong fixation of his pay at the time when he entered into the service. The petitioner has retired on 31.07.2023. It is seen that the petitioner is a Class III employee. Therefore, the recovery is bad. Hence, the order of recovery alone is set aside and the re-fixation done is sustained. If any amount is recovered, the same shall be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

3. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

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

dsa

Index : No

Neutral Citation : No

Speaking order



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To:

1. The Registrar General,
High Court of Judicature at Madras,
High Court Buildings,
Chennai - 600 104.

2. The Principal District Judge,
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Tiruvallur District.

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

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