

WEB COPY

W.P.No.38001 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. 38001 of 2024
and
W.M.P.No.41096 of 2024

T.V.Mohan

...Petitioner

Vs.

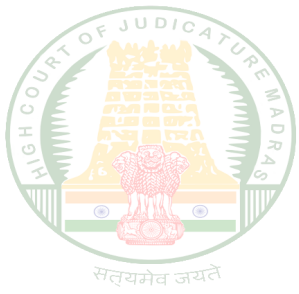
1.The Registrar General,
Madras High Court,
Chennai - 104.

2.The Principal District Judge,
Tiruvallur District,
Tiruvallur - 602 001.

3.The IV Additional District and Sessions Judge,
Tiruvallur @ Ponneri

...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 3rd respondent vide order dated 27.09.2024 in D.No.1166/2024 and quash the same and consequently direct the 3rd respondent to release the salary without any deduction and refund the recovered amount in the salary.



WEB COPY

W.P.No.38001 of 2



For Petitioner : Mr.K.Selvakumar

For Respondents : Mr.S.Arjun Suresh for R1 to R3

ORDER

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

Challenge is to the order dated 27.09.2024, in and by which, the salary disbursement Officer / IV Additional District and Sessions Judge, Tiruvallur @ Ponneri, had directed recovery of a sum of Rs.1,91,049/- from the petitioner in 25 monthly installments. Recovery was ordered based on the audit objections made by the Audit Wing of the High Court, on the ground that the petitioner was sanctioned with an inadmissible increment, upon his transfer from the post of Night Watchman to the post of Office Assistant with effect from 01.07.2007. In and by the very same proceedings, the salary disbursement Officer had also re-fixed the salary of the petitioner, after allowing the admissible increments.

2. The main ground of challenge to the order is that recovery cannot be made. The question of recovery 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*. A Division Bench of



W.P.No.38001 of 2

this Court in *P.Ponnusamy Vs. The Registrar General, High Court of*

Madras made in *W.P.No.8952 etc., batch of 2023* dated *04.03.2024* has,

after referring to the relevant precedents on the point held that recovery cannot be made but, the Division Bench in the said judgment has also pointed out, re-fixation that has been done in accordance with pay rules shall be sustained. The said judgment, in our opinion, squarely covers the issue raised in this writ petition also.

3. In view of the same, this Writ Petition is **partly allowed**, quashing the order to the extent that it directs recovery of the excess amount paid to the petitioner. The re-fixation done is sustained. If any recovery had been made, the amount recovered alone shall be repaid to the petitioner within a period of twelve 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

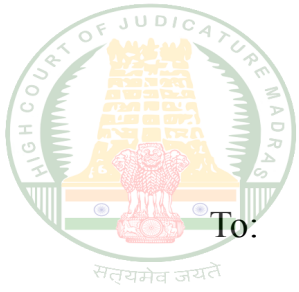
dsa

Index : No

Neutral Citation : No

Speaking order

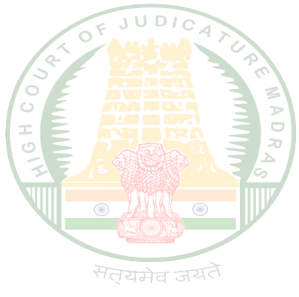
3/5



W.P.No.38001 of 2

To:

- 1.The Registrar General,
Madras High Court,
Chennai - 104.
- 2.The Principal District Judge,
Tiruvallur District,
Tiruvallur - 602 001.
- 3.The IV Additional District and Sessions Judge,
Tiruvallur @ Ponneri



WEB COPY



W.P.No.38001 of 2

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

dsa

W.P.No. 38001 of 2024

20.02.2025