



WEB COPY

W.P.No.5269 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

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

W.P.No. 5269 of 2025
and
W.M.P.No. 5841 of 2025

P.Geetha

...Petitioner

Vs.

1.The Registrar General,
High Court of Madras,
High Court Campus,
Chennai - 600104.

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

3.The Principal District Judge,
Dharmapuri, Dharmapuri District.

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 Principal Sub-Court,
Dharmapuri.

...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 proceedings ROC.No. 16 of 2022 dated 11.07.2022 and quash the same and consequently direct the respondents to return the amount which had been recovered from the petitioner.

For Petitioner : Mr.A.Sakthivel

For Respondents : Mr.Arjun Sursh

Standing Counsel for R1, R3 & R6

Mr.S.John J.Raja Singh

Additional Government Pleader

for R2, R4 & R5

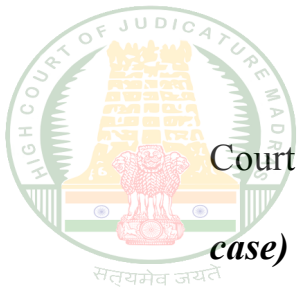
ORDER

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

Challenge is to the order of the learned Principal Sub-ordinate Judge, Dharmapuri, re-fixing the salary of the petitioner on the ground that her selection grade pay was fixed wrongly when she was appointed as a Copyist in the year 1993.

2. By the impugned proceedings, the learned Sub-ordinate Judge has, after re-fixing the pay, directed recovery from the gratuity of the petitioner.

The issue is squarely covered by the judgment of the Hon'ble Supreme
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Court in *State of Punjab and Others Vs. Rafiq Masih (White Washer's case)* reported in *AIR 2015 SC 696* as well as the judgment of this Court in

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P.Ponnusamy Vs. The Registrar General, High Court of Madras made in *W.P.No.8952 etc., batch of 2023* dated *04.03.2024*.

3. Hence, this Writ Petition will stand **allowed**, the order of recovery will stand set aside, since the petitioner has already retired and, the re-fixation is sustained. The pension of the petitioner will be re-worked as per the re-fixation done. 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. Consequently, W.M.P.No.5841 of 2025 is ordered. No costs.

(R.S.M., J.) (G.A.M., J.)
17.02.2025

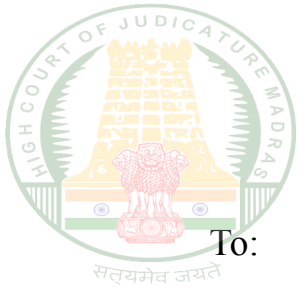
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Internet: Yes

Index: No

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Neutral Citation : No



To:

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

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