

W.P.No.37843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

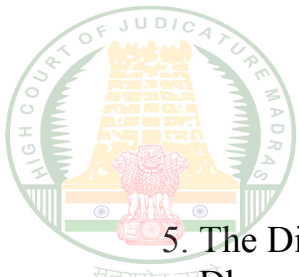
**W.P.No.37843 of 2024
and
W.M.P.Nos.40911 and 40912 of 2024**

G.Velusamy
S/o.Ganapathi

... 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.Saint 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.



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5. The District Treasury Officer,
Dharmapuri.

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6. The Chief Judicial Magistrate,
Dharmapuri.

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records of the sixth respondent in connection with the proceedings of ROC No.1930/2022 dated 20.06.2022 and ROC No.650 of 2023 dated 15.02.2023 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

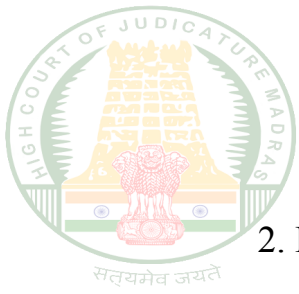
For Petitioner : Mr.A.Sakthivel

For Respondents : Ms.B.Poongkhuzhali for R1, R3 & R6
Mr.S.Yaswanth
Addl. Govt. Pleader for R2, R4 & R5

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This writ petition has been filed challenging the order passed by the Chief Judicial Magistrate, Dharmapuri, i.e., sixth respondent herein dated 20.06.2022, under which, a re-fixation of salary and recovery of excess salary from the petitioner has been passed.



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2. Heard the learned counsel appearing for both sides.

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3. Insofar as the re-fixation of salary is concerned, it is admitted by the learned counsel appearing for the petitioner that, such a re-fixation has been approved, but at the same time, insofar as the recovery of the alleged excess salary paid to the employee, i.e., petitioner is concerned, the issue is covered by a earlier decision of the Division Bench of this Court in a batch of ***W.P.Nos.8952 of 2023 etc., batch dated 04.03.2024*** in the matter of ***P.Ponnusamy Vs. The Registrar General, High Court of Madras and others.***

4. In fact, the said decision was made following the decision of the Hon'ble Supreme Court in the matter of ***State of Punjab and others Vs. Rafiq Masih (White Washer) and others*** reported in ***(2015) 4 SCC 334***.

5. The Division Bench in ***Ponnusamy's case*** has ultimately passed the following order:

"6. Accordingly, the revised pay fixed to the petitioners are to be continued as per the Pay Rules and the Government Orders in force. However, the excess Salary paid to the employees need not be recovered. If any amount has already been



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recovered, the recovered amount alone is directed to be refunded within a period of twelve weeks from the date of receipt of a copy of this order."

6. Insofar as the said order is concerned, both the learned counsel appearing for the parties agreed upon that, similar order may be passed in this case also upholding the re-fixation of the salary, but at the same time, the recovery shall not be made and insofar as the amount already been recovered also which is to be refunded is concerned, it is to be agreed by the learned counsel appearing for both sides and therefore, the learned counsel appearing for both sides also wants this Court to pass a similar order in this writ petition.

7. Having considered the said facts and circumstances of the case, in view of the order already been passed by the Division Bench in ***Ponnusamy's case*** and also the law having been declared in ***White Washer's case*** cited *supra* of the Hon'ble Supreme Court reported in ***(2015) 4 SCC 334***, we are inclined to pass the following order in this writ petition:

(i) that insofar as the re-fixation of the salary through the impugned order dated 20.06.2022 is concerned, the same shall be upheld, accordingly, it is upheld.



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(ii) However insofar as the recovery already been made and to be made for the excess amount paid is concerned, such a recovery shall not be made further and the already recovered amount also shall be refunded to the petitioner.

(iii) The needful as indicated above shall be completed or complied with by the respondents within a period of two months from the date of receipt of a copy of this order.

8. With these directions, this Writ Petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (C.S.N., J.)

21.01.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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