



WEB COPY

W.P.No.37802 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. 37802 of 2024
and
W.M.P.No.40875 of 2024

S.Seethalakshmi

...Petitioner

Vs.

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

2.The District Judge,
Coimbatore Court Building,
Mayiladuthurai - 609 001.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records in connection with Sanction order No.19/ 2024 dated 19.09.2024, issued by the 2nd respondent and quash the same.

For Petitioner : Mr.B.Lenin Balu

For Respondents : Ms.N.K.Kanthimathi



ORDER

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

WEB COPY Challenge is to the order dated 19.09.2024, in and by which, the District Judge, Mayiladuthurai had directed recovery of a sum of Rs.60,923/- from the petitioner in 9 monthly installments. Recovery was ordered based on the audit objections made by the Audit Wing of the High Court, on the ground that the scale of pay for the petitioner in the post of Head Clerk, Chief Judicial Magistrate Court, Nagapattinam was fixed incorrectly with effect from 01.10.2013. In and by the very same proceedings, the salary disbursement Officer had also re-fixed the salary of the petitioner.

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 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.

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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



To:

1. The Registrar General,
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