



WEB COPY

W.P.No.9233 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

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

**W.P.No. 9233 of 2025**  
**and**  
**W.M.P.Nos.10354 & 10357 of 2025**

Srinivasan

...Petitioner

Vs.

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

2.The Principal Secretary to  
Government of Tamil Nadu,  
Home (Court-V) Department,  
Secretariat, Chennai - 9.

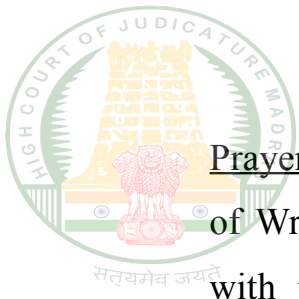
3.The Principal District Judge,  
Krishnagiri, Krishnagiri District.

4.The Principal Accountant General, (A&E),  
AG's Office (Audit) Complex,  
Anna Salai, Roast Rever Garden,  
Teynampet, Chennai - 600 018.

5.The Sub-Judge,  
Uthangarai, Krishnagiri District.

6.The District Treasury Officer,  
Krishnagiri District.

...Respondents



Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with proceedings in ROC.No.16 of 2023 dated 29.05.2023 of the 5th respondent, the Sub-Court, Uthangarai, Krishnagiri District and quash the same with regard to petitioner salary recovery of Rs.5,000/- from May 2023 into 45 installments from any salary by the proceedings in ROC No.16 of 2023 dated 29.05.2023 of the 5th respondent totally Rs.1,60,532/- and consequently direct the respondents return the amount already deducted from the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.S.Arjun Suresh

Standing Counsel for R1, R3 & R5

Mr.P.Ananda Kumar

Government Advocate for R2 & R6

Mr.P.Mano Rajan

Standing Counsel for R4

### **ORDER**

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

Challenge is to the order of re-fixation of the salary of the petitioner and consequent recovery.

2. The petitioner, who joined the service as Night Watchman was promoted as Senior Bailiff. Consequent upon promotion, an increment was



granted to him which was found to be incorrect, leading to issuance of the proceedings dated 29.05.2023, which were impugned in this writ petition. It is also recorded that the petitioner has already retired, upon attaining the age of superannuation.

3. In similar cases, we have already held that while the re-fixation could be sustained, orders of recovery cannot be sustained, in view of 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*. Hence, this Writ Petition is **partly allowed**, the re-fixation is sustained and the orders of recovery alone are set aside. Any amount that is recovered from the petitioner consequent upon the impugned order shall be repaid to him within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M., J.) (G.A.M., J.)  
21.03.2025

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Internet: Yes

Index: No

Speaking

Neutral Citation : No



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