

WEB COPY

W.P.No.459 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. 459 of 2025
and
W.M.P.Nos.534 & 556 of 2025

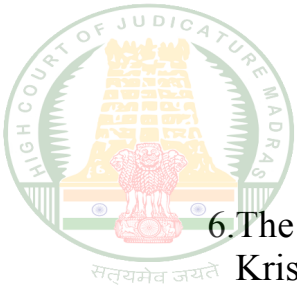
Ariyappan

...Petitioner

Vs.

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

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6. The District Treasury Officer,
Krishnagiri District.

...Respondents

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Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the Records in connection with proceedings in ROC No.13/2023 dated 26.05.2023 of 5th respondent. The Sub court, Uthangarai, Krishnagiri District and quash the same with regard to petitioner salary recovery of Rs.4550/- from May 2023 into 45 installments totally Rs.2,04,194/-(Rupees Two Lakh four thousand and one ninety four only) and consequently direct the respondents return the amount already deducted from the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.M.Fakkir Mohideen,
Standing Counsel for RR1, 3, 5 & 6
Mr.S.John J. Raja Singh,
Additional Government Pleader for R2 & 4

ORDER

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

Challenge is to the order dated 26.05.2023, in and by which, the salary disbursement Officer / Subordinate Judge, Uthangarai, had directed recovery of a sum of Rs.2,04,194/- from the petitioner in 45 monthly

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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. 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 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 petitions are closed.

(R.S.M., J.) (G.A.M., J.)
20.02.2025

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Index : No

Neutral Citation : No

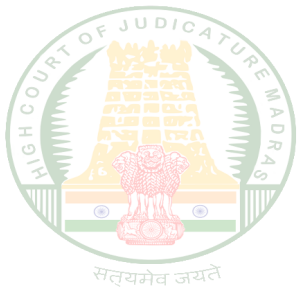
Speaking order



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To.

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

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