



WEB COPY

W.P.No.1087 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

**W.P.No.1087 of 2025
and W.M.P.No.1325 of 2025**

T.Jagadhambal

...

Petitioner

versus

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

2.The Principal District Judge,
Villupuram.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in Office Order in D.No.990 of 2023 dated 12.01.2023 passed by the second respondent for recovery of excess pay and allowance of Rs.1,16,605/- from the petitioner and quash the same and consequently direct the respondents 1 and 2 to remit back the recovered amount of Rs.1,16,605/- to the petitioner.

For Petitioner : Mr.S.Tamilselvan

For Respondents : Mr.S.Arjun Suresh
Standing Counsel



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ORDER

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

The issue in this writ petition is one of recovery and the same is covered by the decision of the Hon'ble Supreme Court in ***State of Punjab Vs. Rafiq Masih*** reported in **(2015) 4 SCC 334 [whitewasher's case]**, wherein the Hon'ble Supreme Court has held that the orders of recovery cannot be made, when the excess payment has been made for a period in excess of five years, before the order recovery is issued. This judgment has also been followed by the Division Bench of this Court in ***P.Ponnusamy Vs. The Registrar General, High Court of Madras dated 04.03.2024 [W.P.No.8952 of 2023 etc., batch]***.

2. In view of the above settled position of law, this Writ Petition is ***partly allowed*** and the orders of recovery alone is quashed. The re-fixation is sustained. If any amount has been recovered pursuant to the recovery proceedings, the said amount alone is directed to be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt



of a copy of this order. No costs. Consequently, connected Miscellaneous
Petition is closed.

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(R.S.M., J.) (G.A.M., J.)
14.03.2025

Speaking order

Index : No

Neutral Citation : No

sri

To

1.The Registrar General,
High Court of Madras,
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R.SUBRAMANIAN,
and
G.ARUL MURUGAN, J.

sri

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