

W.P.No.131 of 2025

WEB COPY

IN 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.131 of 2025

and

W.M.P.Nos.145 & 146 of 2025

Ramesh Babu

... Petitioner

Vs.

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

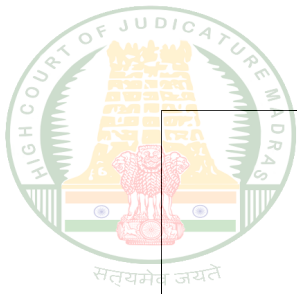
2.The Principal Secretary to Government of Tamil Naud,
Home (Court - V) Department, Secretariat,
Chennai - 9.

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 Judicial Magistrate,
Uthangarai,
Krishnagiri District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in connection with proceedings in Office Order No.34/2023 dated 08.06.2023 of 5th respondent, the Judicial Magistrate, Uthangarai, Krishnagiri District and quash the same with regard to petitioner salary recovery of Rs.4075/- from June 2023 into 45 instalments totally Rs.1,83,359/- (Rupees One Lakh eighty three thousand and three fifty nine only) from the petitioner's salary and consequently direct the respondents to return the amount already deducted from the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.P.Kannan Kumar for R1, 3, 5 & 6

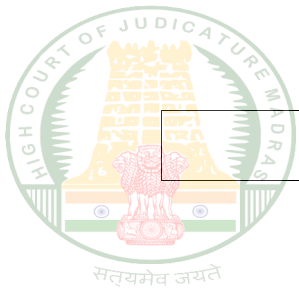
Mr.K.H.Ravi Kumar,
Government Advocate for R2

Mr.P.Mano Rajan, Standing Counsel for R4

COMMON 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.



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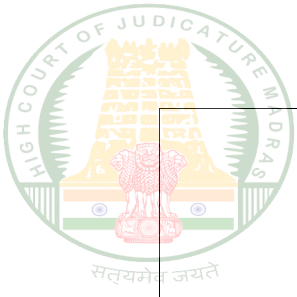
WEB COPY 2. The petitioner, who joined the service as full time Masalchi was promoted as Office Assistant. Consequent upon promotion, an increment was granted to him which was found to be incorrect, leading to issuance of the proceedings dated 08.06.2023, which is impugned in this writ petition.

3. In some 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*.

4. 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

dsa
Index : No



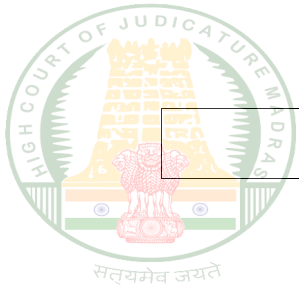
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Neutral Citation : No
Speaking order

To

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and
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