



W.P(MD)No.8455 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.8455 of 2025

and

W.M.P.(MD) Nos.6318 and 6319 of 2025

G.Vasanthi

... Petitioner

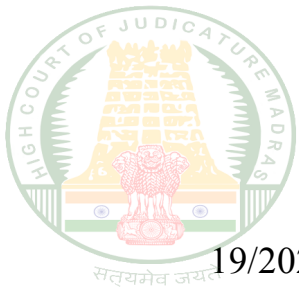
Vs

1. The District Munsif,
Karaikudi,
Sivagangai District.

2. The Branch Officer,
Office of the Accountant General (A and E),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in No.AG (A AND E)/PEN P02/10230491/4/R0230491/419, dated 02.09.2024 and the consequential impugned order passed by the 1st respondent in Sanction Order No.



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19/2024, dated 30.09.2024, quash the same and consequently direct the respondents to disburse the benefits as per pension proposal dated 18.06.2024 sent by the 1st respondent.

For Petitioner : Mr.RV.Rajkumar,
For Respondent : Mr.M.Mahaboob Athiff (R1)
Standing Counsel
: Mrs.S.Mahalakshmi (R2)

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The order passed by the Accountant General of Tamil Nadu and the consequential order passed by the learned District Munsif, Karaikudi are under challenge in the present writ proceedings.

2.The petitioner joined duty as Copyist on 02.01.1987 in Judicial Department. The post of Copyist was merged with the post of Typist and the post of Junior Assistant became interchangeable and common seniority was issued. The petitioner was awarded selection grade and his pay was fixed as per the pay rules and Government orders in force. 5% Personal pay was granted to the petitioner, in view of the Government



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order issued in G.O.(Ms)No.664, Finance (Pay Cell) Department, dated 24.08.1982. 5% Personal Pay granted to four categories faced pay anomaly during the implementation of 5th Pay Commission. Subsequently, the Accountant General of Tamil Nadu found that the petitioner is not eligible to get 5% Personal Pay, since there was no anomaly as far as the re-fixation of the petitioner is concerned. Thus an order of recovery was imposed and erroneous pay fixed was revised.

3.This Court is of the considered opinion that 5% personal pay in some cases were erroneously implemented accross the State of Tamil Nadu and based on the objections raised by the Accountant General of Tamil Nadu, the respective authorities have rectified the error occurred in the pay fixation. Correcting the pay need not be interfered with. Any error in fixation of pay needs to be corrected by the competent authority whenever it is identified. However, the recovery of excess pay from the employees after several years would undoubtedly cause hardship to the employees. Lumpsum recovery would affect their normal life. The petitioner is working in Group C Post and therefore, the recovery of 5% Personal Pay already received by him would result in hardship.



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4.Thus this Court is inclined to permit the respondents to correct the error in the fixation but not to recover the excess pay already paid to the petitioner. Accordingly the re-fixation done by the authorities stands confirmed which is to be verified with reference to the pay Rules and Government orders in force. However, recovery of excess payment alone is set aside. The amount, if any, recovered from the petitioner is directed to be reimbursed within a period of eight weeks, from the date of receipt of a copy of this order.

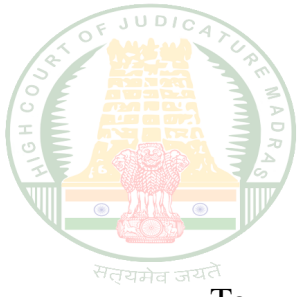
5.With the above observation and direction, the writ petition stands partly allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
16.06.2025

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

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To
1. The District Munsif,
Karaikudi,
Sivagangai District.



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and
DR.A.D.MARIA CLETE, J.

LR

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