



W.P(MD)No.13138 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

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

**W.P(MD)No.13138 of 2025
and
W.M.P(MD)Nos.9418 & 9420 of 2025**

L.Ramanathan

... Petitioner

vs.

**1.The Registrar General,
Madras High Court,
Chennai – 104.**

**2.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.**

**3.The Judge (FAC),
Family Court,
Ramanathapuram.**

**4.The Principal Accountant General (A & E),
Tamil Nadu, Teynampet,
Chennai – 18.**

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the order passed by the third respondent herein under Order No.60, dated 15th October 2023 and to quash the same as illegal and direct the respondents to refund the pension amount recovered from the date of impugned order.

For Petitioner : Mr.K.R.Laxman

For RR 1 to 3 : Mr.Mahaboob Athiff

For R – 4 : Ms.S.Mahalakshmi

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The order of re-fixation and consequential recovery dated 15th October 2023 is sought to be assailed in the present writ proceedings.

2.The petitioner served as a Junior Assistant and retired from service on 31.10.2023 on attaining the age of superannuation. Admittedly, his pay was fixed by the respondents. However, the internal audit wing of



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the High Court during inspection found that the revision of pay had been erroneously granted which resulted in a financial loss to the State exchequer. Consequently, the impugned order of re-fixation of pay and consequential recovery was issued.

3.The learned counsel appearing for the petitioner contended that the petitioner cannot be held responsible for the erroneous fixation of pay. That apart, he has submitted an explanation stating that his pay had been refixed in accordance with the relevant pay rules and therefore, the impugned order is to be set aside.

4.The learned counsel appearing for the respondents would oppose by stating that the revision of pay was carried out based on the option exercised by the petitioner under the Tamil Nadu Revised Scales of Pay Rules, 2009. The declaration under Schedule-IV, signed by the petitioner would show that he undertook that any excess payment that may be found to have been made as a result of incorrect fixation of pay or any



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excess payment detected in the light of discrepancies noticed subsequently will be refunded by the petitioner. The undertaking reads as under:

“1.L.Ramanathan holding the post of Junior Baliff in the scale of Rs.2650-65-3300-70-4000 do hereby elect to come under the revised scale of pay before / after earning increment in the existing scale of pay with effect from 1st January, 2006 / to retain the existing scale of pay and rate of dearness allowance for the period upto .. and come under the revised scale with effect from 01.01.2006.

2.The option hereby exercised is final and will not be modified at any subsequent date.

3.I hereby also undertake that any excess payment that may be found to have been made as a result of incorrect fixation of pay or any excess payment detected in the light of discrepancies noticed subsequently will be refunded by me to the Government either by adjustment against future payments due to me or otherwise without insisting for any prior notice.”



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5.The arrears calculation sheet dated 01.04.2008 was also produced before this Court by the respondents.

6.The Hon'ble Supreme Court of India has consistently held that in the event of any undertaking given by an employee to repay the excess pay and allowances, if any, received, the said undertaking would be binding on the employee. Therefore, the employee cannot subsequently turn around and claim that the excess salary cannot be recovered.

7.The present case squarely falls under the said category where the petitioner had given an undertaking at the time of the revision of the scale of pay under the pay rules of the year 2009. Thus, the petitioner is not entitled for the relief and the order impugned is in consonance with the legal principles settled by the Hon'ble Supreme Court of India.



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8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
10.07.2025

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



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