



W.P(MD)No.16037 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

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

**W.P(MD)No.16037 of 2025
and
W.M.P(MD)No.12129 of 2025**

A.Ramalakshmi

... Petitioner

vs.

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

2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai – 23.

3.The Principal District Judge,
Thoothukudi District,
Thoothukudi.

4.The Principal District Judge,
Tirunelveli District,
Tirunelveli – 2.

... 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 calling for the records relating to the proceedings of the respondent No.3 in D.No.3231/2025 dated 09.05.2025 and to quash the same and consequently direct the respondents to refix the salary of the petitioner awarding one more increment and to pay the arrears of salary, pension, gratuity and all retirement benefits to the petitioner within the period stipulated by this Court.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.N.Tamil Mani

ORDER

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

The order of refixation of pay and the consequential recovery of excess salary is sought to be assailed in the present writ proceedings.

2.The Principal District Judge, Thoothukudi, passed the impugned order vide proceedings, dated 09.05.2025.



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3.The writ petitioner was appointed as a Copyist in the Tamil Nadu Judicial Ministerial Service. She was promoted upto the level of the Chief Administrative Officer and voluntarily retired from service on 31.01.2025. The internal audit wing of the High Court found that the pay fixation of the petitioner had been erroneously done. Objections were raised. Consequently, the fixation of pay was corrected and a recovery order was passed.

4.The learned counsel appearing for the petitioner submitted that there was no misrepresentation on the part of the petitioner. The establishment revised the pay of the petitioner and one increment was granted at the time of promotion. The said increment was later found to be erroneous by the internal audit wing of the High Court.

5.The learned counsel appearing for the petitioner further submitted that the increment was granted in accordance with the orders of the Court.

6.In the present case, the internal audit wing found that the fixation was erroneously done. This Court is of the considered view that the authorities are empowered to correct the errors in fixation of pay. However, recovery of



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excess payment already made after a lapse of several years would cause undue hardship to the employee. The petitioner was allowed to retire from service voluntarily on 31.01.2025 and now she is a pensioner. Insofar as pensioners are concerned, the constitutional Courts have reiterated that recovery of excess salary paid cannot be effected after several years.

7.Further, in this case, the erroneous fixation was done five years back and the petitioner was allowed to retire. That being so, this Court is inclined to set aside the recovery alone. Asfar as the re-fixation of pay is concerned, the respondents shall once again verify its correctness and accordingly, pay the amount applicable to the petitioner as per the pay rules and consequential Government Orders in force.

8.In view of the facts and circumstances, the impugned recovery of excess salary alone is set aside and the re-fixation done by the respondents stand confirmed. The correctness of the pay fixation may be verified.

9.The learned counsel appearing for the petitioner submitted that the terminal and pensionary benefits are yet to be paid.



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10.In this regard, the respondents are directed to settle the same as expeditiously as possible.

11.Accordingly, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
09.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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ORDER MADE IN
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