



W.P.(MD)No.16171 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD).No.16171 of 2025

and

W.M.P(MD)No.12240 of 2025

N.Padmavathi

... Petitioner

-vs-

1. The Principal District Judge,
Madurai.

2. The Presiding Officer,
Labour Court,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent dated 22.05.2025 and quash the same and consequentially direct the 2nd respondent to repay the sum of Rs.11,860/- which was recovered already and conduct enquiry and pass orders in respect of re-fixation of pay.



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For Petitioner : Mr.H.Arumugam

For R1 and R2 : Mr.M.Mahaboob Athiff

ORDER

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

The order of re-fixation of pay and consequential recovery issued by the Presiding Officer, Labour Court, Madurai in proceedings dated 22.05.2025 is under challenge in the present writ petition.

2. The petitioner was appointed as a steno typist on temporary basis and removed from service. She was again appointed as Copyist on 25.07.2006 and thereafter, promoted as Typist, Assistant, Bench Clerk, Head Clerk, Deputy Nazir, Sherishtadar and finally permitted as Central Nazar, Labour Court.

3. During the course of Audit, the authorities found excess payment of salary to the petitioner. Action was initiated to recover the excess salary to the petitioner. The entire Audit Wing of the High Court submitted its



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report and based on the report action was initiated. The order impugned itself reveals that an individual is ineligible to get one increment as per the recommendations of justice Shetty Commission. As such, this ineligible sanction of increment leads to an excess payment from 24.07.2006 to 30.04.2025.

4. That apart, the learned counsel appearing for the respondents would submit that copy of the letter sent by the Presiding Officer, Labour Court, Madurai to the Additional Registrar General stating that the petitioner herself filed an application for one increment and based on the said application, one increment was sanctioned without verifying eligibility. Since it was not granted by the Establishment, the petitioner is liable to repay the excess salary received by her. No employee is entitled to draw excess salary. Salary to the public servants are paid from the taxpayers money and any excess payment would result in unjust action and loss to the State Exchequer. Thus, the authorities competent are empowered to recover the excess salary paid to the employees.



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5. In the present case, notice has been issued and opportunity was provided to the petitioner and on receipt of explanation, final order of recovery has been issued to by refixing the pay as applicable to the petitioner who is holding the post of Central Nazir. Thus, I do not find any infirmity in respect of the order passed in the present case. Therefore, the petitioner would not position under any of the exemption contemplated by the Hon'ble Apex Court in in the case of **State of Punjab vs Rafiq Masih (White Washer) and others**, reported in 2022 AIR (SC) 2153.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.)

(A.D.M.C., J.)

07.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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and
A.D.MARIA CLETE, J.

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