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WP No. 23290 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-06-2026**

CORAM

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

**AND**

**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**WP No. 23290 of 2026**

**and**

**W.M.P.No.25260 of 2026**

S.Balasubramanian  
No.54, Maruthanayagam Pillai Lane, North  
Veethi, Rockfort, Tiruchirapalli - 620002.

..Petitioner(s)

Vs

1. Principal District Judge  
The Principal District Court Perambalur,  
Perambalur.
2. The Registrar General  
Madras High Court, Chennai.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent relating to the impugned order bearing number R.No.3804/2026 dated 07.05.2026 and quash the same as illegal, arbitrary and unconstitutional and consequently refund any amounts which has been unduly recovered from the petitioner's salary.

For Petitioner(s): Mr.Vikram Veerasamy

For Respondent(s): Mr.Anand Subramanian

**ORDER**

**(Order of the Court was made by S.M.Subramaniam J.)**

The Writ Petition has been filed to call for the records of the 1<sup>st</sup>



respondent bearing R.No.3804/2026 dated 07.05.2026 and quash the same and consequently, refund the amount which has been unduly recovered from the petitioner's salary.

2. The petitioner was initially appointed as Xerox Machine Operator on 07.01.1997 and promoted to various posts. He passed the Accounts Test for Subordinate Officers Part-I and was granted one advance increment. On subsequent promotions, his pay was revised. While, he was serving at Labour Court, Tiruchirappalli, an internal audit raised objections regarding pay fixation and grant of increments. The petitioner submitted representations. However, the impugned proceedings dated 07.05.2026 came to be passed directing recovery of Rs.4,18,242/- paid in excess for the period between 31.12.1999 and 30.04.2026.

3. Unjust gain of public money is impermissible under law. In such circumstances, the Authorities Competent are empowered to rectify the errors in fixation of pay and grant the correct pay as applicable. Thus, the revised pay fixation granted by the respondents in accordance with the Pay Rules and Government Orders shall continue.

4. However, the respondents are unable to establish that there was a misrepresentation on the part of the employee during fixation of pay. It is an error committed by the Establishment for which the petitioner cannot be penalised after a lapse of many years. Recovery of excess salary at this length of time would result in extreme hardship to the employee.



5. In this regard, the Hon'ble Supreme Court of India also enumerated the legal principles in the case of **State of Punjab v. Rafiq Masih**<sup>1</sup> and held as hereunder:

*“18.It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:*

*(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).*

*(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.*

*(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

*(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have*

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<sup>1</sup>2015 4 SCC 334



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*rightfully been required to work against an inferior post.*

*(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.*

6. In view of the facts and circumstances, the revision of pay effected pursuant to the Audit Objection is confirmed, but the recovery of excess pay alone is set aside. The excess amount, if any, recovered on account of the impugned order is directed to be re-paid to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly, the impugned order is set aside, with reference to the recovery of excess salary alone.

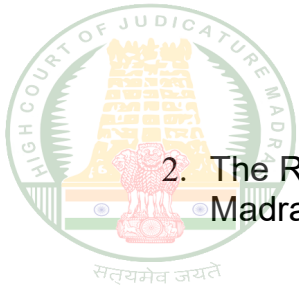
7. Accordingly, the Writ Petition stands partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S.,J.) (N.S.,J.)**  
**19-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
VSI

To

1. Principal District Judge  
The Principal District Court Perambalur,  
Perambalur.



2. The Registrar General  
Madras High Court, Chennai.

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**S.M.SUBRAMANIAM, J.  
AND  
N.SENTHILKUMAR, J.**

vsi

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