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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Petition No.25451 of 2025andW.M.P.No.28609 of 2025

S.Purushothaman
having office at:
Deputy Registrar,
High Court of Judicature at Madras,
Chennai 600 104.

..Petitioner

Vs

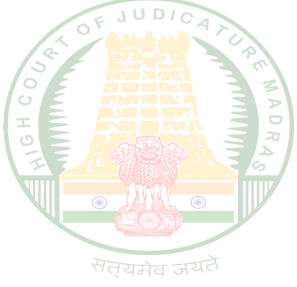
1. The Registrar General,
High Court of Judicature at Madras,
Chennai - 600 104.
2. The Registrar, Management
High Court of Judicature at Madras,
Chennai - 600 104.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the second respondent culminating in the impugned order in ROC No.60781/2021/B1 dated 26.05.2025 and quash the same.

For Petitioner : Mr.P.Akkilesh

For Respondents : Ms.B.Poongkhulali
Standing Counsel

**ORDER****(Made by S.M.Subramaniam J.)**

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The lis on hand has been instituted challenging the order of pay revision and consequent recovery order issued by the second respondent *vide* proceedings dated 26.05.2025.

2. The writ petitioner is working as Deputy Registrar at the High Court of Madras. He was initially appointed as Office Assistant on 07.10.1988 and secured the following promotions:

- (a) promoted to the post of Assistant on 30.04.1993;
- (b) promoted to the post of Assistant Section Officer on 15.04.1998;
- (c) promoted to the post of Section Officer on 18.03.2004;
- (d) promoted to the post of Librarian/Sub-Assistant Registrar on 28.02.2017 and transferred to Madurai Bench of Madras High Court on 17.09.2017;
- (e) promoted to the post of Assistant Registrar in December 2018; and
- (f) promoted to the post of Deputy Registrar on 01.05.2025.

3. One Tmt.S.Jaya, then Chief Librarian, High Court of Madras, presently Deputy Registrar and Thiru.G.Govindaraju, Assistant Registrar (Protocol) submitted representations on 11.10.2023 to step up their pay on par with their junior Mr.S.Purushothaman/writ petitioner, who is holding the post of Deputy Registrar in the High Court of Madras. Representations were



considered and service registers of all the three officers were scrutinised by the administration. While scrutinising the service registers of the writ petitioner, it is noticed that he has exercised his option *vide* letter dated 02.02.2022 for fixing of pay in the cadre of Librarian/Sub-Assistant Registrar and Assistant Registrar. Based on his representation, his pay was re-fixed *vide* proceedings dated 05.09.2022 and 18.04.2023. The said revision of pay was granted as per the option exercised by the writ petitioner *vide* his letter dated 02.02.2022. The option was exercised by the writ petitioner as stated above in the cadre of Librarian/Sub-Assistant Registrar and Assistant Registrar after restoration of his seniority on appeal and under the Tamil Nadu Fundamental Rules and Tamil Nadu Revised Pay Rules, 2017. Once the pay was revised based on the option exercised in the year 2022 by the petitioner, there is no provision under the Tamil Nadu Fundamental Rules and Tamil Nadu Revised Pay Rules, 2017, to give fresh option for further fixation of pay since the seniority of the writ petitioner was restored and he exercised his option, based on which his pay was revised.

4. The petitioner, not stopping with that, exercised his option once again to migrate to the new pay structure as per the 7th pay commission recommendation as on 02.01.2018, which was beyond the date prescribed in the Tamil Nadu Revised Pay Rules, 2017. Therefore, the option exercised by the petitioner to revise his pay after restoration of his seniority on appeal is contrary to the Tamil Nadu Fundamental Rules and Tamil Nadu Revised Pay



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Rules, 2017. There is no provision that allows fresh option for fixation of pay after restoration of pay and re-fixation of pay based on the option exercised earlier. That apart, the writ petitioner sought for a direction to fix his pay in accordance with the option he had exercised after restoration of his seniority and re-fixation of pay, which is contrary to law. His pay has to be fixed in accordance with F.R.27 Ruling 17 of the Tamil Nadu Fundamental Rules and Tamil Nadu Revised Pay Rules, 2017. The petitioner, in his fresh exercise of option for re-fixation of pay (i.e. after restoration of seniority), has chosen the date of migration on 02.01.2018, which is beyond the date specified in G.O.Ms.303, Finance (Pay Cell) Department, dated 11.10.2017.

5. In view of the above discrepancy and excess salary paid to the writ petitioner based on the second revision granted in contrary to the Tamil Nadu Fundamental Rules and Tamil Nadu Revised Pay Rules, 2017, a show cause notice came to be issued to the writ petitioner calling for his explanation. Thus, an opportunity was afforded to the petitioner to defend his case in compliance with the rules of natural justice. The authorities, while considering the case of the writ petitioner, found that the second option exercised by the petitioner for second revision of pay is not entertainable in view of pay revision and the Government Order issued in G.O.Ms.303, Finance (Pay Cell) Department, dated 11.10.2017 and therefore, re-fixed his pay in accordance with the pay rules and the Government Order issued in G.O.Ms.303, Finance (Pay Cell) Department, dated 11.10.2017. The statement of re-fixation of pay made in

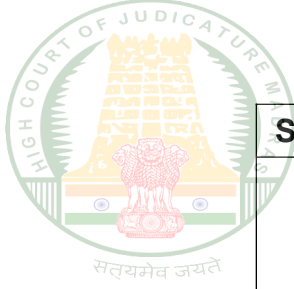


the impugned order is extracted hereunder:

“The Statement of re-fixation of pay and regulation of periodical increments of Thiru.S.Purushothaman in the cadre of Librarian (Sub Assistant Registrar) and Assistant Registrar with effect from 29.04.2016 and 17.11.2017 respectively, as per Ruling 17 of F.R.27 with monetary benefit from 31.01.2022 A.N., is as follows:

Tmt.P.Usha Rani is junior to Thiru.S.Purushothaman in the cadre of Librarian (Sub Assistant Registrar) and Assistant Registrar but his junior (Tmt.P.Usha Rani) has not drawn the same rate of pay in the lower post from time to time. Hence pay of Thiru.S.Purushothaman is fixed notionally in the dates of promotion in the cadre of Librarian and Assistant Registrar.
Pay fixed in the Revised Scale of Pay (7th Pay Commission)

Sl.No.	Description	Re-fixed Pay
1)	Pay as on 01.01.2016 in the post of Sel.Gr.CO/SO/AE under Tamil Nadu Revised Scales of Pay Rules, 2017 [22,830+5,400=28,230 x 2.57= 72,551] [Nearest value in Level 22 is Cell 10 =73,200]	Rs.73,200 (Before increment) [Level-22, Cell-10]
2)	Date of Annual Increment – 01.01.2016	Rs.75,400 [Level-22, Cell-11]
3)	Consequent to the restoration of Seniority, in the cadre of Librarian (Sub Assistant Registrar) the date of promotion already given on 01.03.2017 is now advanced to 29.04.2016 notionally and pay fixed under F.R.22B as follows:	Rs.78,800 [Level-23, Cell 12]
	Pay as on 29.04.2016 on 75,400 [Level-22, Cell-11]	
	Add one 77,700 promotional [Level-22, Cell-12] increment	
	Pay fixed in 78,800 Librarian w.e.f. [Level-23, Cell-12] 29.04.2016	
4)	Pay as on the date of assumption of charge on 01.03.2017 in the post of Librarian	Rs.78,800 [Level-23, Cell 12]
5)	Date of next increment 29.04.2017 advanced to 01.04.2017 (NOTIONALLY)	Rs.81,200 [Level-23, Cell 13]
6)	Consequent to the restoration of Seniority, in the cadre of Assistant	



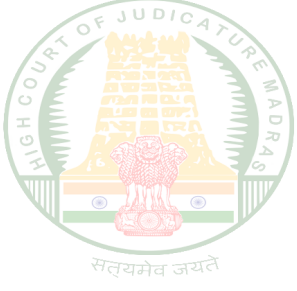
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Sl.No.	Description	Re-fixed Pay
	Registrar, the date of promotion is already given on 03.12.2018 is now advanced to 17.11.2017 notionally and pay fixed under clause (ii) of 8th proviso of FR-22(B) as follows:	
	Pay as on 17.11.2017 to 31.03.2018 =	Rs.82,100 [Level-25, Cell-12]
	Under clause (ii) of 8th proviso of FR-22(B)	
	Pay as on 01.04.2018= [Clause-(ii)]	Rs.81,200 [Level-23, Cell-13]
	Add one Regular increment in Lower Post on 01.04.2018=	Rs.83,600 [Level-23, Cell-14]
	Add one promotional increment	Rs.86,100 [Level-23, Cell-15]
	Pay fixed in Assistant Registrar w.e.f. 01.04.2018	Rs.87,100 [Level-25, Cell-14]
7)	Pay as on the date of assumption of charge on 03.12.2018 in the post of Assistant Registrar	Rs.87,100 Level 25 (Cell 14)
8)	Date of next increment 01.04.2019 (NOTIONALLY)	Rs.89,700 [Level-25, Cell-15]
9)	Date of next increment 01.04.2020 (NOTIONALLY)	Rs.92,400 [Level-25, Cell-16]
10)	Date of next increment 01.04.2021 (NOTIONALLY) (M.B.F. 31.01.2022 A.N.)	Rs.95,200 [Level-25, Cell-17]
11)	Date of next increment 01.04.2022 (M.B.F. 31.01.2022 A.N.)	Rs.98,100 [Level-25, Cell-18]
12)	Date of next increment 01.04.2023 (M.B.F. 31.01.2022 A.N.)	Rs.1,01,000 [Level-25, Cell-19]
13)	Date of next increment 01.04.2024 (M.B.F. 31.01.2022 A.N.)	Rs.1,04,000 [Level-25, Cell-20]
14)	Date of next increment 01.04.2025 (M.B.F. 31.01.2022 A.N.)	Rs.1,07,100 [Level-25, Cell-21]"



6. In order to correct the erroneous fixation done by the administration based on the second option exercised by the writ petitioner, a show cause notice was issued and after affording opportunity, the impugned order of re-fixation and recovery was passed. Thus, the authorities have arrived at a decision that the petitioner is eligible for consequential monetary benefits with effect from 31.01.2022 A.N. as ordered in the High Court proceedings dated 31.01.2022. Thus, the excess pay and allowance already drawn and disbursed to the officer is ordered to be recovered.

7. This Court is of the considered view that no public servant is entitled to receive excess salary than that of the salary applicable to the particular post. Any excess salary, if paid, would result in unjust gain and a financial loss to the State Exchequer. In the present case, the writ petitioner secured about seven promotions in his career and his pay was already fixed based on the option exercised by him on 02.02.2022. Once again, he exercised another option, which is not entertainable as per the pay rules. However, an erroneous fixation was done based on the representation and option exercised by him, which was found to be erroneous and under those circumstances, re-fixation of pay and recovery of excess pay disbursed to him was ordered. The petitioner is now holding the post of Deputy Registrar in the High Court of Madras and it is a Group-I post. Therefore, he cannot plead ignorance or seek any leniency in the matter of recovery of excess pay. More so, excess pay was granted based on the option exercised by the petitioner when he was



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

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holding the post of Assistant Registrar. That being the factum, the excess salary disbursed to him is to be recovered. In view of the above factors, the petitioner is not entitled for any relief.

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

**(S.M.S.,J.) (N.S.,J.)
05-06-2026**

Index: Yes
Speaking order
Neutral Citation: Yes

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To

1. The Registrar General,
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