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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

WP No. 19109 of 2026

N.Nageswari

..Petitioner(s)

Vs

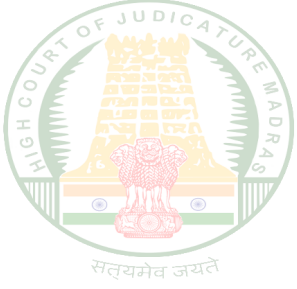
1. The Registrar General
High Court of Madras,
Chennai-104
2. The Registrar (Administration)
High Court of Madras (Principal Bench)
Chennai-600 104
3. The Principal District Judge,
Tiruppur District Court,
Tiruppur District, Tiruppur.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus calling for records of the Official Memorandum of the Principal District Judge, Tiruppur (3rd respondent herein) dated 20.11.2025 in D.No.10537/2025 and quash the same as arbitrary and unjust and to consequently direct the respondents to refund the amount recovered from the petitioner

For Petitioner(s): Mr.T.Raghavan

For Respondent(s): Mr.S.John Mr.J.Raja Singh

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

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With the consent of both sides, the writ petitioner is taken up for hearing.

2. The Writ Petition has been filed to set aside the Official Memorandum of the Principal District Judge, Tiruppur (3rd respondent herein) dated 20.11.2025 in D.No.10537/2025.

3. The petitioner was selected through TNPSC Group-IV as Steno-typist Grade-III in Tamil Nadu Judicial Ministerial Services and appointed at District Munsif Court, Udumalpet on 01.09.2016. She was regularised with effect from 07.09.2016. On completing 2 years of service and submitting a COA certificate of 2008, her probation was declared in 2021. Later, a show cause notice was issued alleging non-completion of COA within 5 years. Though she submitted explanation, no order was passed. Vide proceedings dated 09.05.2022, she was granted one more year to submit COA certificate. She completed COA in August 2022 and submitted the same. However, by impugned order dated 20.11.2025, based on High Court audit objection, the respondents held that COA must be completed within probation, treated the 2022 certificate as invalid, revised her pay, ordered recovery of excess pay, and revised her probation. Hence, this writ petition.



4. 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.

5. 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.

6. 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**¹ 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,

¹2015 4 SCC 334



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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).

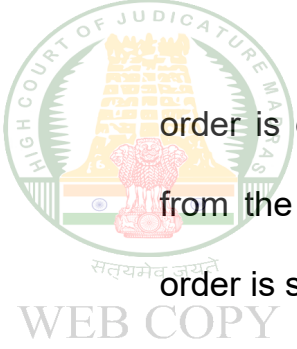
(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(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 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.

7. 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 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.

8. Accordingly, the Writ Petition stands partly allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (R.K.M.,J.)
08-06-2026

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

GD

To

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Chennai-104
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3. The Principal District Judge,
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Tiruppur District, Tiruppur.



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**S.M.SUBRAMANIAM, J.
AND
R.KALAIMATHI, J.**

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