



W.P(MD)No.10081 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P(MD)No.10081 of 2026

Varatharajan

... Petitioner

VS.

1.The Additional Registrar General,
Madras High Court, Madurai Bench,
Madurai.

2.The Chief Judicial Magistrate,
Ramanathapuram District.

3.The State of Tamil Nadu,
Represented by the Secretary,
Account General, Chennai.

4.The Internal Audit Wing,
Madras High Court, Madurai Bench,
Madurai.

5.The Treasury Officer,
Ramanathapuram District.

... 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, to call for the records pertaining to the impugned order bearing reference B1/02/2024-2025 dated 09.04.2025 passed by the respondent No.2, and quash the same as illegal, arbitrary, and against the settled principles of law, and consequently direct the respondents to release his full Death-cum-Retirement Gratuity (DCRG) amount without any deductions and refund petitioners payment sum of Rs.7,85,510/- (Rupees Seven Lakh Eighty-Five Thousand Five Hundred and Ten only) which is recovered from the petitioner.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.Mahaboob Athiff (R1, R2 & R4)
Standing Counsel

: Mr.A.Kannan (R3 & R5)
Additional Government Pleader



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ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

Challenging the impugned order passed by the second respondent dated 09.04.2025, and seeking a direction to the respondents to release the petitioner's full Death-cum-Retirement Gratuity (DCRG) amount without any deductions and to refund a sum of Rs.7,85,510/- (Rupees Seven Lakhs Eighty-Five Thousand Five Hundred and Ten only) recovered from him, the petitioner has filed the present Writ Petition.

2.The case of the petitioner is that he was initially appointed as a Junior Bailiff on 03.04.1995 through the Employment Exchange. He was subsequently granted Selection Grade in the post of Junior Bailiff on 06.04.2005. Thereafter, he was promoted as Examiner, then as Junior Assistant, subsequently as Assistant, and later as Grade-II Bench Clerk on 08.02.2023. The petitioner retired on attaining the age of superannuation on 31.12.2023. It is further stated that, long after his retirement, the second respondent issued the impugned order dated 09.04.2025, without issuing any



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show cause notice, based on an audit objection raised by the third respondent, alleging discrepancies in the pay drawn by the petitioner. It was stated that his pay fixation on 06.04.2005 in the post of Junior Bailiff (Selection Grade) was erroneously fixed at Rs.4000-100-6000 instead of Rs.3200-85-4900, and consequently ordered recovery of a sum of Rs.7,85,510/-. The increment was granted on 06.04.2005, and the recovery is now sought to be made after nearly 20 years, which is wholly impermissible. Challenging the proceedings of the second respondent dated 09.04.2025, the present Writ Petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner's grievance is confined only to the recovery, and he has no objection with regard to the revised pay fixation.

4.The learned counsel appearing for the respondents submitted that due to incorrect pay fixation, the petitioner was paid excess amounts, and therefore, the impugned proceedings dated 09.04.2025 were issued.



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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. At the relevant point of time, the petitioner was serving in a Group 'C' post. It is well settled, as per the judgment of the Hon'ble Supreme Court in *State of Punjab and Others vs. Rafiq Masih (White Washer)* reported in *(2015) 4 SCC 334*, that recovery from employees belonging to Class III and Class IV service (or Group 'C' and Group 'D' service) is impermissible in law. The said ratio squarely applies to the present case. The petitioner's claim is only for setting aside the recovery.

7. In view of the above, the impugned order is quashed insofar as it relates to recovery. If any amount has already been recovered pursuant to the impugned proceedings, the same shall be refunded to the petitioner.



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8.With the above observations, the Writ Petition is allowed.

There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
17.04.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1.The Additional Registrar General,
Madras High Court, Madurai Bench,
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2.The Chief Judicial Magistrate,
Ramanathapuram District.

3.The State of Tamil Nadu,
Represented by the Secretary,
Account General, Chennai.

4.The Internal Audit Wing,
Madras High Court, Madurai Bench,
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and
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