



W.P(MD)No.10042 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**W.P(MD)No.10042 of 2026
and
W.M.P(MD)No.7895 of 2026**

S.Balamurugan

... Petitioner

vs.

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

2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.

3.The Judicial Magistrate No.II,
Ramanathapuram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus calling for the
records pertaining to the third respondent's order No.66/2025 dated

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WEB C 22.09.2025 ordering to recover the excess payment in the salary of the petitioner of Rs.1,83,077/- in 60 equal monthly installments at Rs.3,050/- commencing from the month of September 2025 and to quash the same as illegal and non-est order and direct the respondents 1 to 3 to pay the same salary which is being drawn by the petitioner till the date of impugned order.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mr.T.S.Mohammed Mohideen

ORDER

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

The petitioner challenges the impugned order passed by the third respondent dated 22.09.2025, whereby a direction was issued to recover an alleged excess payment of Rs.1,83,077/- from the petitioner's salary in 60 equal monthly installments of Rs.3,050/- each, commencing from September 2025. Consequently, the petitioner also seeks a direction to the respondents 1 to 3 to continue paying the same salary that was being drawn by the petitioner up to the date of the impugned order.



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2.The case of the petitioner is that he was initially appointed as a Xerox Operator, a Group ‘C’ post, vide proceedings dated 22.07.2013, and joined duty on 24.07.2013 in the Special Court for Land Grabbing Cases, Ramanathapuram. Subsequently, he was promoted as Examiner on 03.11.2015. Thereafter, he was promoted as Junior Assistant on 01.07.2020 in the Additional District Court, Ramanathapuram, and later promoted as Assistant on 30.04.2021. It is further stated that the Internal Audit Wing issued an audit slip pointing out that the petitioner’s pay on promotion to the post of Examiner had been fixed at Rs.5,920 + Grade Pay of Rs.2,400 (Rs. 8,200/-) with effect from 03.11.2015, and that the subsequent annual increment had been erroneously sanctioned at Rs.6,430 + Grade Pay of Rs. 2,400 instead of Rs.6,170 + Grade Pay of Rs.2,400 with effect from 01.01.2016. Though the petitioner submitted his explanation dated 17.09.2025 in response to the show cause notice dated 04.09.2025, the third respondent proceeded to initiate recovery of the alleged excess payment. Aggrieved by the same, the petitioner has filed the present Writ Petition.



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3.The learned counsel appearing for the respondents submitted that, due to incorrect fixation of pay, the petitioner was paid excess salary, and therefore, the impugned proceedings dated 22.09.2025 came to be issued

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

5.At the relevant point of time, the petitioner was working 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 is squarely applicable to the petitioner's case. The respondents have already refixed the pay of the petitioner, and the petitioner has no grievance regarding such re-fixation. The petitioner only seeks cancellation of the recovery amount.

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6.In view of the above, the impugned order is quashed in respect of recovery alone. If any amount has already been recovered pursuant to the impugned proceedings, the same shall be refunded to the petitioner.

7.With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[N.S.K.,J.] [P.B.B.,J.]
15.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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- 2.The Additional Registrar General,
Madurai Bench of Madras High Court,
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- 3.The Judicial Magistrate No.II,
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