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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.06.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.13986 of 2026

and

W.M.P(MD)Nos.10422 & 10423 of 2026

Srinivasagan

... Petitioner

Vs.

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

2.The Sub-Ordinate Judge,
O/o. Paramakudi Sub-Court Campus,
Paramakudi Taluk,
Ramanathapuram District

3.The Judicial Magistrate No.I,
O/o.Ramanathapuram District Court Campus,
Ramanathapuram District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned proceedings issued by respondent No.3 vide letter in D.No.1825/2025 dated 27.10.2025 and its consequential letter



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issued by Respondent No.3 dated 11.12.2025 and Quash the same as arbitrary, unsustainable and consequently direct the Respondents herein not to recover sum of Rs.8,11,561/- from petitioners revised salary pay scale and subsequently direct the Respondents herein to re-fix petitioner pay scale in accordance with prevailing applicable rules and Government Orders, without effecting any recovery from the petitioner.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.N.GA.Natraj

ORDER

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

The order of recovery issued against the writ petitioner vide proceedings dated 27.10.2025 and 11.12.2025 are under challenge in this writ petition.

2. The writ petitioner is working as Head Clerk of Principal District Judge, Ramanathapuram. While so, the second respondent suddenly issued with a notice dated 27.10.2025 stating that as if on account of audit objections a sum of Rs.8,11,561/- had been paid in excess. Consequently, issued the impugned recovery order dated 11.12.2025.



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3.This being the factual position, this Court is of an opinion that absolutely there is no issue in respect of correcting the errors took place. In other words, the correction of errors are certainly permissible. However, in respect of recovery, the same cannot be imposed when it was paid to the employee at the instance of the employer. If any error took place regarding the fixation of pay, the same can be corrected and the revised pay shall be paid. However, the amount already paid shall not be recovered in view of the fact that there was no misrepresentation on the part of the employee nor it was granted at the instance of the employee.

4.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 reported in (2015) 4 Supreme Court Cases 334*** in paragraph No. 18 of the judgment is relevant and the same is extracted 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, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:



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(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 be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”*

5. In view of the guidelines issued by the Apex Court of India, the recovery imposed on the writ petitioner is untenable.



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6. In view of the above, the order impugned passed by the respondents 2 & 3, dated 27.10.2025 and 11.12.2025 are quashed in respect of the recovery alone. Fixation of pay can be corrected in accordance with the Government Orders and the Pay Rules in force. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
01.06.2026

Index :Yes/No
Internet :Yes
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To

- 1.The Additional Registrar General,
Madurai Bench, Madurai.
- 2.The Sub-Ordinate Judge,
Paramakudi Taluk,
Ramanathapuram District
- 3.The Judicial Magistrate No.I,
Ramanathapuram District.



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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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