

W.P.(MD)No.14085 of 2026

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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.14085 of 2026
and
W.M.P.(MD)No.10490 of 2026

U.Yogambal

... Petitioner

Vs.

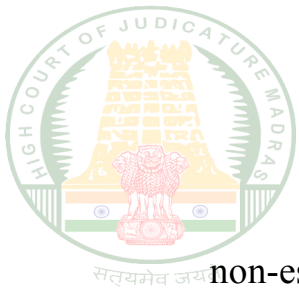
1.The Registrar General,
High Court of Judicature at Madras,
Chennai-104.

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

3.The Principal District Judge,
Ramanathapuram.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the third respondent's order No.CS/35/2025 dated 24.11.2025 directing the recovery of excess amount of Rs.86,419/- from the petitioner's salary at Rs.2,900/- in 29 equal monthly installments and Rs.2,319/- in the last 30th installment and to quash the same as illegal and



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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.K.Samidurai

ORDER

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

Challenging the impugned order for recovery of excess amount of pay and allowance paid for the period from 01.10.2017 to 31.10.2025, amounting to Rs.86,419/-, this Writ Petition has been filed.

2. The petitioner was appointed as Office Assistant 'D' group employee on 14.12.2012. Later, he was promoted as Record Clerk on 01.02.2016 and thereafter, promoted as Junior Bailiff and joined on 25.01.2019. Thereafter, on 01.02.2023, he was promoted as Reader. While, the petitioner was appointed in the post of Office Assistant, pay has been erroneously fixed at Rs.17,700/- instead of Rs.17,200/- and the pay has also been erroneously fixed in the promotive post of Record Clerk at Rs.19,000/- instead of Rs.18,400/-. Therefore, now the third respondent has initiated action for recovery of excess payment paid. Challenging the same, the petitioner has filed this Writ Petition.



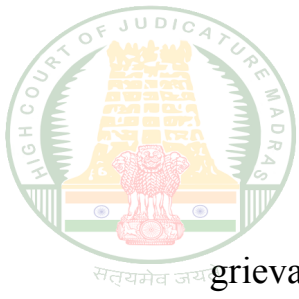
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3. The learned counsel appearing for the respondents submitted that while the petitioner was appointed in the post of Office Assistant and promoted in the post of Record Clerk, pay has been erroneously fixed by the authorities. Therefore, they issued the impugned proceedings dated 24.11.2025.

4. This Court heard the submission made by the learned counsel appearing on either side and perused the materials available on record.

5. It is admitted by the respondents that the pay was erroneously fixed only by the authorities. At the relevant point of time, the petitioner was working in a Group 'D' post. It is well settled that, 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***, 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



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grievance with regard to such re-fixation. The petitioner only seeks cancellation of the recovery amount.

6. In view of the above, the impugned order is quashed in respect of recovery alone. If any amount has 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.] & [M.J.R., J.]
01.06.2026

Index :Yes/No
NCC :Yes/No
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