



W.P.(MD) No.14321 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2026

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD)No.14321 of 2026
and
WMP(MD)No.10745 of 2026**

S.Parimalam

... Petitioner

Vs.

**1.The Hon'ble Principal District Judge,
O/o.Hon'ble Principal District Judge
Tuticorin.**

**2.The Hon'ble Chief Judicial Magistrate
O/o.The Hon'ble Chief Judicial Magistrate
Tuticorin.**

**3.The Learned Judicial Magistrate No.II
O/o.Learned Judicial Magistrate No.II
Tuticorin.**

...Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned recovery order passed by the 3rd respondent dated 06.05.2026 and the consequential impugned re-fixing the salary order of the 3rd Respondent 11.05.2026 and the quash the same are illegal and consequently, direct the Respondents to terminate the all recovery proceedings against the Petitioner and permit him to retire from service on 30.06.2026 with all consequential service benefits.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.Sivaraman - for R1 to R3

ORDER

(Order of the Court was made by D.Bharatha Chakravarthy, J.)

This writ petition is filed challenging the impugned order dated 06.05.2026. By the said order, the pay of the petitioner was revised downwards and refixed and the excess payment that is made with effect



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from 01.10.2012 upto 30.04.2026, totally amounting to Rs.2,02,366/- is sought to be recovered from the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is presently working as Office Assistant and the recovery is now sought to be made at the verge of retirement. The petitioner is due for retirement with effect from 30.06.2026. Even though the writ petition is filed, challenging the very refixation itself, the learned counsel would contest the order only with reference to the recovery that is ordered to be made.

3. According to the learned counsel, the same is covered by the judgment of the Hon'ble Supreme Court of India in ***State of Punjab vs. Rafiq Masih (reported in 2015 (4) SCC 334)***.

4. Per Contra, the learned counsel appearing on behalf of the respondents would submit that as far as the refixation is concerned, the same is justified and if opportunity is granted, further counter will be filed.



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As far as recovery is concerned, since excess amount is paid, the same is sought to be recovered.

5. We have considered the rival submissions made on either side and perused the material records of the case.

6. During the course of the arguments, upon query by this Court, the learned counsel for the petitioner himself would restrict the arguments only with reference to the recovery that is made. As far as the recovery is concerned, firstly, it is made from Class-IV employee, secondly, it is made for a period in excess of five years and that too at the verge of retirement. Therefore, the case of the petitioner is covered by more than one limb of para 12 of the judgment of the Hon'ble Supreme Court of India in Rafiq Masih's case cited supra.

7. In view thereof, this writ petition is partly allowed on the following terms :

1. The impugned order dated 06.05.2026 shall stand



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set aside inasmuch as it relates to order recovery of a sum of Rs.2,02,366/- and it is upheld with reference to the revision of pay of the petitioner is concerned. No costs. Consequently, connected miscellaneous petition is closed.

(D.B.C., J.) (R.P., J.)
20.05.2026

Index : Yes /No
Internet : Yes / No
NCC : Yes /No
rm



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O/o.The Hon'ble Chief Judicial Magistrate
Tuticorin.

3.The Learned Judicial Magistrate No.II
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D.BHARATHA CHAKRAVARTHY, J.
and
R.POORNIMA, J.

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and
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