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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2026**

CORAM:

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

AND

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

W.P.(MD)No.15103 of 2026

and

W.M.P.(MD)No.11313 of 2026

R.Sivanantham

... 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 Subordinate Judge,
Paramakudi.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd Respondent's order No.56 dated 11.12.2025 directing the recovery of excess amount of Rs.1,79,605/- paid for the period from 01.10.2017 to 30.11.2025 at Rs.6,500/- in 27 equal monthly installments after recovering the amount of Rs.4,105/- as 1st Installment



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in the month of December 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.D.Sivaraman
Standing Counsel

ORDER

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

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

2.Mr.D.Sivaraman, learned Standing Counsel, accepts notice for the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The writ petitioner is working as a Head Clerk. Whiles, proceedings dated 11.12.2025 was issued by the competent authority based on an audit objection stating that an excess amount of



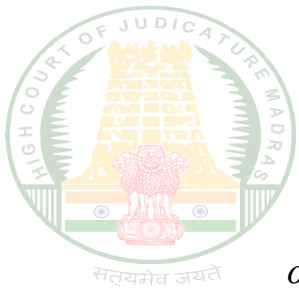
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Rs.1,79,605/- had been paid to the petitioner during service and directing recovery of the said amount.

5.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.

6.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



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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:

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

7. In view of the guidelines issued by the Hon'ble Supreme Court, the recovery imposed on the writ petitioner is untenable.



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8. In view of the above, the order impugned in this writ petition passed by the second respondent dated 11.12.2025 is 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 petition is closed.

[N.S.K., J.] & [M.J.R., J.]
09.06.2026

Index : Yes/No
Internet : Yes
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To

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 Subordinate Judge,
Paramakudi.



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

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