



W.P(MD)No.15202 of 2026 & etc., batch cases

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)Nos.15202, 15374, 15529, 15732, 15747, 15842, 15851, 15905,
15907, 15908, 10870, 10871, 10872, 10873, 10875, 12977, 13601 & 12379
of 2026 (18 cases)**

and

**W.M.P(MD)Nos.11384, 11385, 11523, 11524, 11626, 11811, 11812, 11853,
11867, 11921, 11925, 11929, 11932, 8469, 8470, 8498, 8499, 8521, 8522,
8482, 8484, 8472, 8474, 9722, 10123, 10124, 9365 & 9367 of 2026**

W.P(MD)No.15202 of 2026:

M.Padma

... Petitioner

VS.

1.The Additional Registrar General,
Madras High Court - Madurai Bench,
Madurai.

2.The District Munsif cum Judicial Magistrate,
Rameshwaram,
Ramanathapuram District.



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3.The State of Tamil Nadu,
Represented by its Secretary,
Account General,
Chennai.

4.The Internal Audit Wing,
Madras High Court,
Madurai Bench,
Madurai.

5.The Treasury Officer,
Ramanathapuram District.

6.The Sub-Treasury Officer,
Rameshwaram.

... 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 impugned order No.12 of 2025 dated 06.11.2025 passed by the second respondent and quash the same as illegal and consequently direct the respondents not to recover the sum of Rs.41,118/- from the petitioner's salary and refund the amount already recovered from petitioner till date within a stipulated period of time.

For Petitioner : Ms.V.Sundari

For Respondents : Mr.M.Mahaboob Athif (R1, R2 & R4)

: Mr.S.Venkatesh (R3, R5 & R6)
for State



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COMMON ORDER

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

Challenging the orders of re-fixation and the consequential recovery, the petitioners have filed the present Writ Petitions.

2.Since the issue involved in these Writ Petitions is one and the same and the facts are also identical, they are taken up together and disposed of by this common order.

3.The learned counsel appearing for the petitioners would submit that the grievance of the petitioners is confined only to the recovery ordered pursuant to the re-fixation of pay and that they are not challenging the orders of re-fixation.

4.The said submission is placed on record.



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5.The learned counsel appearing for the respondents would contend that a Division Bench of this Court, in ***W.P.(MD) No.14802 of 2020, dated 28.04.2026 [M. Kayambu v. The District Munsif and Others]***, has taken a different view and, therefore, the petitioners are not entitled to the relief sought for.

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

7.Admittedly, the issue is no longer res integra. The Hon'ble Supreme Court, in ***Syed Abdul Qadir v. State of Bihar*** reported in ***(2009) 3 SCC 475***, held that where excess payment has been made by the employer by applying a wrong principle for calculating pay or allowances, or on account of an erroneous interpretation of a rule or order, recovery of such excess payment cannot ordinarily be effected from the employee.



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8. In the decision relied upon by the respondents, the Division Bench observed that the writ petitioner therein was originally in the pay band of Rs.3,050-4,900 and upon conferment of Selection Grade, became entitled to additional increments. While the upper limit of the pay band remained unchanged, the petitioner's basic pay ought to have been revised from Rs.3,050/- to Rs.3,200/-. However, his pay band was erroneously fixed at Rs.4,000-6,000. It was in those peculiar facts and circumstances that the Division Bench declined to interfere.

9. In the present case, the issue relates to the grant of an increment based on the statutory provisions prevailing at the relevant point of time. It appears that an additional increment was granted under the applicable rules and was subsequently treated as excess in view of the implementation of the recommendations of the 7th Pay Commission. Thus, the alleged excess payment arose solely on account of an error committed by the employer in fixation of pay and not due to any misrepresentation or fault on the part of the petitioners.



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10. Admittedly, the petitioners belong to Group 'C' and Group 'D' service categories in the Judicial Department, as the case may be. It is well settled, in view of the judgment of the Hon'ble Supreme Court in *State of Punjab and Others v. Rafiq Masih (White Washer)* reported in (2015) 4 SCC 334, that recovery from employees belonging to Class III and Class IV service (Group 'C' and Group 'D' service) is impermissible in law. The ratio laid down therein squarely applies to the facts of the present case. The respondents have already re-fixed the pay of the petitioners, and the petitioners have no grievance insofar as such re-fixation is concerned. Their challenge is confined only to the recovery ordered pursuant thereto.

11. In view of the above, the impugned proceedings are quashed insofar as they relate to recovery. If any amount has already been recovered from the petitioners pursuant to the impugned proceedings, the same shall be refunded to them.



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12. With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
15.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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Note: Registry is directed to type full cause title,
while issuing this order.



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