



W.P(MD)No.17448 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.06.2026

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

W.P(MD)No.17448 of 2026

and

WMP(MD)No.12926 of 2026

S.Soma

... Petitioner

Vs.

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

2. The Judge,
Family Court,
Ramanathapuram.

3. State of TamilNadu,
Rep by the Accountant General,
261, Anna Salai, Chennai.

... Respondents

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 relating to the impugned proceedings of the respondent No.2 dated 17.12.2025 and quash the same as illegal and consequently direct the respondents to retain the promotional increment already granted to the petitioner on her promotion from Record Keeper to Head Clerk and grant all consequential monetary and retirement benefits and refund the amount already recovered from the petitioner's salary, within a time frame as may be fixed by this Court.



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For Petitioner : Mr.SMA.Jinnah
For R1 & R2 : Mr.N.Mohideen Basha, Standing Counsel
For R3 : Mr.P.Gunasekaran, Standing Counsel

ORDER

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

Challenging the order of recovery dated 17.12.2025 passed by the 3rd respondent, this writ petition is filed with a consequential direction to the respondents to retain the promotional increment already granted to the petitioner on her promotion from Record Keeper to Head Clerk and grant all consequential monetary and retirement benefits and refund the amount already recovered from the petitioner's salary, within a time frame as may be fixed by this Court.

2. The only concern of the learned standing counsel appearing for the 2nd respondent is that the writ petitioner herself has given an undertaking to recover the amount wrongly paid to her. Since the writ petitioner herself admitted wrong payment and not objected to recovery, the impugned order does not require interference by this Court.

3. Learned counsel for the petitioner would submit that the alleged undertaking was obtained from the petitioner under coercion and the petitioner



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gave such undertaking fearing disciplinary proceedings and therefore, the said undertaking cannot be acted upon. Learned counsel for the petitioner would further submit that the grievance of the petitioner is only with regard to recovery and she is not challenging the order of re-fixation.

4. The said submission is placed on record. The petitioner is now working as Grade-I Bench Clerk in the 2nd respondent Court which is a Group-C 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 grievance with regard to such re-fixation. The petitioner only seeks cancellation of the recovery amount.

5. 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.



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6. With the above direction, the Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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[N.S.K., J.] & [M.J.R., J.]
25.06.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

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

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ORDER MADE IN
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