



W.P(MD)No.17399 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.17399 of 2026

and

WMP(MD)No.12872 of 2026

Bagam Priyal

... Petitioner

Vs.

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

2. The Subordinate Judge,
Ramanathapuram District.

3. The State of Tamil Nadu,
represented by the Secretary,
Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai.

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

5. The Treasury Officer,
Ramanathapuram District.

... 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, calling for the records relating to the impugned recovery order No.115 of 2025 dated 27.11.2025 passed by the respondent No.2 and to quash the same as illegal, further directing the respondents not to recovery of Rs.2,11,771/- from her salary and subsequently direct the respondents to re-fix her pay scale in accordance with applicable rules and Government Orders, without effecting any recovery from petitioner and refund her payment recovered till date.

For Petitioner : Mr.SMA.Jinnah
For R1 & R2 : Mr.N.Ga.Natraj, Standing Counsel
For R3 : Mr.P.Gunasekaran, Standing Counsel
For R5 : Mr.C.Jeganathan, Counsel for State

ORDER

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

Challenging the order of recovery, this writ petition is filed.

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 Head Clerk in the 3rd 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
W.P(MD)No.17399 of 2026
DATED : 25.06.2026