



W.P(MD)No.17395 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.17395 of 2026

and

WMP(MD)No.12869 of 2026

P.Muniyasamy

... 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, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd respondents order dated 11.12.2025 directing the recovery of excess amount of Rs.92,416/- paid for the period from 01.07.2015 to 30.11.2025 at Rs.5,000/- from 12/2025 to 2/2026 (3 months) and to remit the balance amount to the Government Account and to quash the same as illegal and non-est order and direct the respondents 1 to 3 to refund the amount of Rs.92,416/- which has been recovered from the petitioner as per the impugned order.



W.P(MD)No.17395 of:

For Petitioner : Mr.S.Srinivasan
For R1 to R3 : Mr.D.Sivaraman, Standing Counsel

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ORDER

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

Challenging the order of recovery dated 11.12.2025 passed by the 3rd respondent, this writ petition is filed with a consequential direction to the respondents 1 to 3 to refund the amount of Rs.92,416/- which has been recovered from the petitioner as per the impugned order.

2. The only concern of the learned standing counsel appearing for the 3rd respondent is that the writ petitioner himself has given an undertaking to recover the amount wrongly paid to him. Since the writ petitioner himself 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 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 he is not challenging the order of re-fixation.



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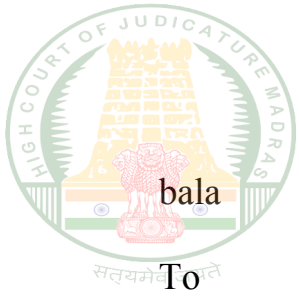
4. The said submission is placed on record. The petitioner is now working as Office Assistant in the 3rd respondent Court which is a Group-D post. It is well settled that as per the judgment of the Hon'ble Supreme Court in **State of Punjab and Others vs. Rafiq Masih (White Washer)** reported in **(2015) 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.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Neutral Citation : Yes / No

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



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

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ORDER MADE IN
W.P(MD)No.17395 of 2026
DATED : 25.06.2026