



W.P(MD)No.17791 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.17791 of 2026
and
WMP(MD)Nos.13167 and 13168 of 2026

Sivamalar

... 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 District Munsif,
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 Respondent's order No.62 dated 25.11.2025 directing the recovery of excess amount of Rs.89,987/- paid for the period from 10.01.2019 to 31.10.2025 at Rs.2,093/- in 43 Equal Monthly Installments commencing from November 2025 to May 2029 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.



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For Petitioner : Mr.S.Srinivasan
For R1 to R3 : Mr.N.Tamil Mani, Standing Counsel

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ORDER

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

Challenging the order of recovery dated 25.11.2025 passed by the 3rd respondent, this writ petition is filed with a consequential direction to the respondents 1 to 3 to pay the same salary which is being drawn by the petitioner till the date of the impugned order.

2. The only concern of the learned standing counsel appearing for the 3rd 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 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.



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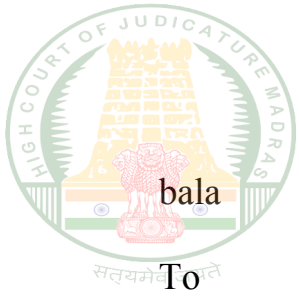
4. The said submission is placed on record. The petitioner is now working as Junior Assistant in the 3rd respondent Court which is a Group-C post. It is well settled that as per the judgment of the Hon'ble Supreme Court in **State of Punjab and Others vs. Rafiq Masih (White Washer)** reported in **(2015)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

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

Index : Yes / No
Neutral Citation : Yes / No

[N.S.K., J.] & [M.J.R., J.]
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ORDER MADE IN
W.P(MD)No.17791 of 2026
DATED : 25.06.2026