



W.P.(MD)No.337 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2026

CORAM:

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

W.P.(MD)No.337 of 2026
and
W.M.P.(MD)No.341 of 2026

Velayutham

... Petitioner

Vs.

1. The Additional Registrar General,
Madras High Court,
Madurai Bench,
Madurai.
2. The Additional District Judge,
Fast Track Court,
Paramakudi,
Ramanathapuram,
3. The State of Tamil Nadu,
Represented by the Accountant General,
261, Anna Salai,
Chennai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the Respondent No.2 vide order No 58 of 2025 dated 02.12.2025 set aside the same and further



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directing the Respondents not to recovery of Rs.7,99,560/- from Petitioner salary and subsequently direct the Respondents to re-fix Petitioner's pay scale in accordance with applicable rules and Government Orders, without effecting any recovery from the Petitioner.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.T.S.Mohamed Mohideen
for R1 & R2

Mr.S.Deenadhayalan,
Standing Counsel for R2 to R5

ORDER

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

Challenging the impugned order for recovery of excess amount of pay and allowance paid for the period from 01.08.2008 to 30.09.2024, amounting to Rs.7,99,560/-, this Writ Petition has been filed

2. The petitioner was appointed as Office Assistant on 04.01.2007 on compassionate grounds in the year 04.01.2007. Later, he was promoted as Junior Assistant (Copy Reader) on 01.08.2008. Thereafter, on 26.08.2013, he was promoted and appointed as selection grade Junior Assistant. While, the petitioner was promoted in the post of



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Reader, pay has been erroneously fixed at Rs.5960+GP.2000 in the pay band of 5200-20200+GP.2000 in instead of Rs.5200+GP.2000 in the pay band of 5200-20200+GP.2000. Therefore, now the respondent has initiated action for recovery of excess payment paid. Challenging the same, the petitioner has filed this Writ Petition.

3. A counter affidavit has been filed by the 2nd respondent. In the counter affidavit, it is the contention of the 2nd respondent that while the petitioner was promoted in the post of Reader, pay has been erroneously fixed by the authorities. Therefore, they issued the impugned proceedings dated 02.12.2025.

4. This Court heard the submission made by the learned counsel appearing on either side and perused the materials available on record.

5. It is admitted by the respondents that the pay was erroneously fixed only by the authorities. At the relevant point of time, the petitioner was working in a Group 'C' post. It is well settled that, as per the judgment of the Hon'ble Supreme Court in *State of Punjab and*



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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.

6. 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.

7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
10.03.2026

Index :Yes/No
NCC :Yes/No
vsm



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