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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 15167 of 2026

Sathiyaveni

..Petitioner(s)

Vs

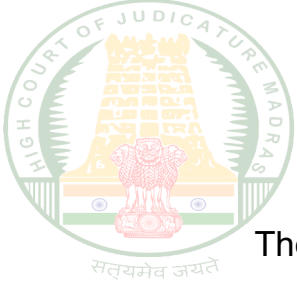
1. The Registrar General
High Court of Madras,
Chennai.
2. The Principal District Judge
Krishnagiri-635 001.
3. The Presiding Officer, Labour Court
Hosur,Krishnagiri- 635 109.
4. The Sub Treasury
Denkanikottai, Krishnagiri- 635 001.

..Respondent(s)

Calling for the records with respect of the impugned proceedings of the 3rd Respondent dated 02.03.2023 and quash the same and Consequently direct the Respondents to continue to pay at the existing fixation of pay and not to recover the alleged excess amount paid to the petitioner.

For Petitioner(s): Mr.P.Arumugavel

For Respondent(s): Mrs. Karthika Ashok for R1-3
No appearance for R4

**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

The Official Memorandum dated 02.03.2023 issued by the Labour Court, Hosur is under challenge in the writ proceedings.

2. The impugned Official Memorandum issued based on the report of the Internal audit wing regarding excess disbursement of salary to the writ petitioner to the tune of Rs.67,222/-.

3. Petitioner is holding the post of Senior Bailiff and on account of erroneous fixation of pay, excess salary had been disbursed in favour of the petitioner. During audit objection, the erroneous fixation was identified and action was initiated to refix the pay in accordance with the Pay Rules and Government orders in force. Consequently, the Labour Court issued an Official Memorandum for recovery of excess pay already made.

4. Unjust gain of public money is impermissible under law. In such circumstances, the Authorities Competent are empowered to rectify the errors in fixation of pay and grant the correct pay as applicable. Thus, the revised pay fixation granted by the respondents in accordance with the Pay Rules and Government Orders shall continue.

5. However, the respondents are unable to establish that there was a



misrepresentation on the part of the employee during fixation of pay. It is an error committed by the Establishment for which the petitioner cannot be penalised after a lapse of many years. Recovery of excess salary at this length of time would result in extreme hardship to the employee.

6. In this regard, the Hon'ble Supreme Court of India also enumerated the legal principles in the case of **State of Punjab v. Rafiq Masih**¹ and held as hereunder:

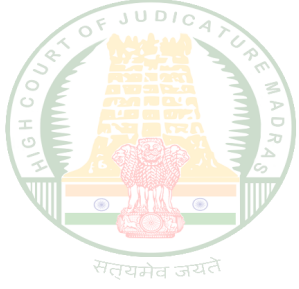
“18.It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).

(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the

¹2015 4 SCC 334



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excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

7. In view of the facts and circumstances, the revision of pay effected pursuant to the Audit Objection is confirmed, but the recovery of excess pay and allowances alone is set aside. The excess amount if any, recovered on account of the impugned order is directed to be re-paid to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly, the impugned order made in Office Memorandum issued by 3rd Respondent dated 02.03.2023 is set aside, with reference to the recovery of excess salary alone.



8. Accordingly, the Writ Petition stands partly allowed. Consequently, the connected Miscellaneous Petition, if any, are closed. No costs.

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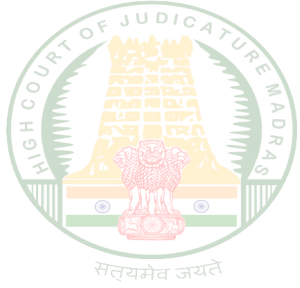
(S.M.S.,J.) (N.S.,J.)
09-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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