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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.2463 of 2026

and

W.M.P.(MD)No.2019 of 2026

M.Nagarjan

... Petitioner

Vs.

1.The District Munsif Court, Devakottai,
Ram Nagar, Devakottai,
Sivagangai District.

2.The Principal District Court,
Sivagangai,
Sivagangai,
Sivagangai District.

3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the first respondent's memo dated 19.12.2025 ordering to recover the excess payment in the salary of the petitioner of



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Rs.1,83,756/- in 9 installments and to quash the same as illegal order and direct the first and second respondents to pay the same salary which he was drawing till the above said order.

For Petitioner : Mr.A.Mohamed Abul Hassan
For Respondents : Mr.N.GA.Nataraj (R1 & R2)
Mr.J.Anand Kumar (R3)

ORDER

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

Challenging the impugned order for recovery of excess amount of salary paid for the period from 16.07.2009 to 13.11.2025 amounting to Rs.1,83,756/-, this Writ Petition has been filed.

2.The petitioner was appointed as Junior Assistant on 13.07.2009 and he is till working as Junior Assistant. While so, a memo has been issued to the petitioner stating that the pay has been wrongly fixed and therefore, now the respondent has initiated action for recovery of excess payment paid. Challenging the same, the petitioner has filed this Writ Petition.



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3. It is the contention of the second respondent that the pay of the petitioner has been erroneously fixed by the authorities. Therefore, they issued the impugned proceedings dated 19.12.2025.

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 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 re-fixed 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.



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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.]
21.04.2026

Index :Yes/No

Internet :Yes

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To

- 1.The District Munsif Court, Devakottai,
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Sivagangai District.
- 2.The Principal District Court,
Sivagangai,
Sivagangai District.
- 3.The Secretary,
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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