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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.04.2026**

CORAM:

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

AND

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

W.P.(MD)No.8202 of 2026

and

W.M.P.(MD)No.6688 of 2026

R.Selva

... Petitioner

Vs.

1.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.

2.The Principal District Court,
Ramanathapuram

...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 second respondent's order No.B1/322/2025 dated 16.12.2025 ordering to recover the excess payment in the salary of the petitioner of Rs.6,13,928/- in 76 equal monthly installments at Rs.8,078/- commencing from the month of December, 2025 and to quash the same as illegal and non-est order and direct the respondents 1 and 2 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 Respondents : Mr.Mehboob Athiff
Standing Counsel

ORDER

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

Challenging the impugned order for recovery of excess amount of salary paid amounting to Rs.6,13,928/-, this Writ Petition has been filed.

2.The petitioner was appointed as Typist on 26.02.2013 and later she was promoted to the post of Assistant and Record Keeper. While so, the petitioner was wrongly given with the annual periodical increment from 01.01.2025 to till date. Now the second 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 second respondent. In the counter affidavit, 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 16.12.2025.



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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.

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.



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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.]
24.04.2026

Index : Yes/No
Internet : Yes
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To

1. The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.

2. The Principal District Court,
Ramanathapuram



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

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