§ 102. Court proceedings. 1. Action to restrain illegal payment of salary or compensation. Any taxpayer as defined in subdivision two hereof shall have the right to bring an action in the supreme court to declare illegal or restrain payment of salary or compensation to any person appointed to or holding any office, place or employment in violation of any of the constitutions or provisions of this chapter, and such right shall not be limited or denied by reason of the fact that said office, place or employment shall have been classified as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers in accordance with the civil service rules in force at the time of such payments.

2. Action to recover sums illegally paid from appointing and fiscal officers. Any sums paid contrary to the provisions of section one hundred of this chapter may be recovered from any officer or officers by whom the person or persons receiving the same were appointed in violation of the provisions of law and of the rules made in pursuance of law, or any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, and from the sureties on the official bond of such officer or officers in an action in the supreme court maintained by a citizen resident of the state, who is assessed for and is liable to pay, or within one year before the commencement of the action has paid a tax therein, or by the state civil service commission or the municipal civil service commission having jurisdiction. It shall be the duty of the attorney general or of the appropriate law officer of the civil division wherein such sums were illegally paid, to prosecute such action upon the request of the state civil service commission or department or the municipal civil service commission having jurisdiction as the case may be. All moneys recovered in any such action shall, when collected, be paid into the treasury of the state or the civil division, as the case may be, except that if such action is maintained by a taxpayer, he shall be entitled to receive for his own use the taxable costs of such action.

3. Action to enjoin violation of the civil service law. The state civil service commission or the municipal civil service commission having jurisdiction, as the case may be, may maintain an action in the supreme court to enjoin any violation of the civil service law or the rules established thereunder, and for such incidental relief as may be necessary. It shall be the duty of the attorney general, or of the appropriate law officer of the civil division wherein such violation occurs, as the case may be, to commence and maintain such action upon the request of the state civil service commission or the municipal civil service commission having jurisdiction, as the case may be.