



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2026

CORAM

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

W.P.No.28143 of 2016

and

W.M.P.No.24276 of 2016

P.Pilavendiran

..Petitioner(s)

Vs.

1. The Principal Secretary/
Commissioner of Agricultural Marketing and
Agri Business,
Thiru.Vi.Ka. Industrial Estate,
CIPET – II Main Road, Guindy,
Chennai – 600 032.

2. The Secretary,
Dharmapuri Market Committee,
Dhamapuri District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in Proc.No.DCS.2/19224/04-1, dated 24.05.2016 and Proc.No.DCS2/19224/2004(2) dated 24.05.2016 passed by the 1st respondent and Se.Mu.Aa.No:Mu.A/509/16 dated 24.05.2016 and Se.Mu.Aa.No:Mu.A/509/16 dated 31.05.2016 passed by the 2nd respondent and allow the petitioner to retire from service with all retirement benefits.

For Petitioner(s) : Mr.R.Naresh Kumar

For Respondent(s) : Mr.A.R.Suresh, SGP, for R1
: Mr.R.S.Selvam, for R2



This Writ petition has been filed seeking the following relief:-

2. The brief facts of the case are as follows:-

2.1 The petitioner joined the services of the respondent as an Office Assistant in the year 1983, rendered continuous and unblemished service and attained the age of superannuation as early as on 31.05.2016. In the mean time, the petitioner was placed under suspension on 15.09.2004 in connection with an incident said to have taken place between 06.08.2004 and 15.08.2004 and his suspension was subsequently revoked and he was reinstated into service on 23.08.2005. Subsequently, a charge memo was issued against the petitioner on 09.12.2004 and after conclusion of the departmental enquiry, the petitioner was imposed with the punishment of stoppage of increment for one year with cumulative effect and the same was also undergone by the petitioner.

2.2 While so, the 1st respondent, *vide* proceedings dated 24.05.2016, once again placed the petitioner under suspension on the ground that a criminal case



was pending against the petitioner in C.C.No.381 of 2024 before the Judicial Magistrate No.IV, Thoothukudi, in which the petitioner has been arrayed as A22, and also issued another proceedings on the very same day, in and by which, the petitioner was retained in service. Subsequently, the petitioner was relieved from service, *vide* proceedings of the 2nd respondent dated 24.05.2016. Further, the 2nd respondent, *vide* proceedings dated 31.05.2016, refused to permit the petitioner to retire from service on the ground that he was placed under suspension in connection with a pending criminal case. Challenging the above said proceedings of the respondents herein, the petitioner has come up with this writ petition.

3. Heard the learned counsel on either side and perused the materials available on record.

4. Today when the matter was taken up for hearing, the proceedings of the 1st respondent dated 06.02.2026 was placed before this Court, in and by which, it was deemed that the petitioner retired from service with effect from 31.05.2016 and further held that the criminal proceedings pending against the petitioner shall be continued under Rule 9 of the Tamil Nadu Pension Rules, 1978 and consequently, the petitioner's pension was withheld, providing him only with a provisional pension.



5. It is not disputed by the learned counsel on either side that a criminal case is pending against the petitioner till date, on account of which, the petitioner is being paid with the provisional pension alone.

6. In view of the above, the prayer sought by the petitioner cannot be entertained. However, if the petitioner succeeds in the criminal case, it is always open to the petitioner to approach the authorities for appropriate orders for the release of his regular pension, on the basis of the final outcome of the criminal case. If any such request is made by the petitioner in the future, the respondents shall consider the same on merits and in accordance with law, in terms of the final result of the criminal proceedings pending against him, and pass appropriate orders as expeditiously as possible.

7. With the above directions and observation, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.08.2026

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

skt



To:

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Commissioner of Agricultural
Marketing and Agri Business,
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2. The Secretary,
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KRISHNASWAMY GOVINDARAJAN, J.

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