



W.P.(MD) No.9782 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.9782 of 2025
and
W.M.P.(MD) No.7300 of 2025

K.Jeyakumaran

... Petitioner

-VS-

1.The Commissioner
Thoothukudi City
Municipal Corporation
Thoothukudi
Thoothukudi District

2.The Deputy Director
Local Fund Audit
Thoothukudi City
Municipal Corporation
Thoothukudi
Thoothukudi District

... Respondents

PRAYER: 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 impugned order in Na.Ka.No.C1/3837/2012, dated 21.03.2025, on the file of the first respondent and quash the same as illegal and consequently to direct



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the respondents to provide all the retirement benefits due to the petitioner with effect from the date of retirement 31.03.2012 and the arrears of pension thereafter with current rate of interest within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.N.Anandakumar
Standing Counsel for R1
Mr.M.Dinesh Hari Sudarsan
Counsel for the Govt. of Tamil Nadu for R2

ORDER

The petitioner herein, while working as Revenue Inspector in the respondent – Corporation, was subjected to disciplinary proceedings by duly placing him under suspension on 19.03.2012, on the allegation relating to assessment of property tax for a building for the year 2011-2012. Accordingly, a charge memo dated 23.06.2012 was issued against the petitioner containing six charges. In the meanwhile, the petitioner attained the age of superannuation on 31.03.2012 and in view of the same, the petitioner was not permitted to retire from service and he was continued to receive pension. The disciplinary proceedings that were initiated against the petitioner, through a charge memo dated 23.06.2012, came to an end on



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22.06.2019 when a final order was passed in the disciplinary proceedings imposing a fine of Rs.25,000/- on the petitioner. It was thereafter, as the terminal benefits of the petitioner have not been settled, the petitioner approached this Court on an earlier occasion by filing a writ petition in W.P. (MD) No.24779 of 2022 and in terms of the order passed in the said writ petition, some of the terminal benefits have been settled. However, the death-cum-retirement gratuity amount to the tune of Rs.4,81,619/- has not been released in favour of the petitioner. Further, the first respondent issued a proceedings bearing Na.Ka.No.C1/3837/2012, dated 21.03.2025, holding the petitioner responsible for a sum of Rs.19,61,140/- and after deducting the death-cum-retirement gratuity payable to the petitioner, the balance amount of Rs.14,79,521/- was sought to be recovered from the monthly pensions that is payable to the petitioner. It is aggrieved by the said proceedings dated 21.03.2025, the petitioner has approached this Court by filing the present writ petition.

2. On perusal of the impugned proceedings and the counter-affidavit filed by the first respondent, it is noticed that a sum of Rs.3,65,906/- under the head of appropriated amount found under the audit objection and a sum of Rs.3,41,411/- being the sum of tax deleted from the computer and



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appropriated against the petitioner during his tenure of his service and a sum Rs.12,53,823/- being the time barred tax amount due to the failure on the part of the petitioner in collecting taxes during his tenure as Revenue Inspector, in all a sum of Rs.19,61,140/- was sought to be recovered from the terminal benefits of the petitioner.

3. Further, the counter-affidavit of the first respondent also makes a reference to an undertaking said to have been given by the petitioner on 31.01.2025 authorizing the respondents to recover any amounts legally due and payable from the petitioner. The said undertaking is the one submitted by the petitioner while he submitting pension papers in a proforma. Therefore, the same cannot be put against the petitioner. Even otherwise, there is no valid order that was passed against the petitioner fixing the liability against him in respect of the amounts that were sought to be recovered under the impugned proceedings. In the circumstances, the question of recovering any amount where no liability was fixed against the petitioner sofar under the guise of an undertaking given by the petitioner does not arise.

4. From the perusal of the counter-affidavit and the impugned proceedings of the first respondent, there is nothing on record to indicate that



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there was any liability that was fixed against the petitioner, while he was in service or immediately after his retirement. The entire liability is sought to be fixed against the petitioner unilaterally by the first respondent without even affording any opportunity to him. If at all the first respondent is of the view that any amount is due or the petitioner caused any loss to the Corporation while he was in service, it is always open to the first respondent to initiate disciplinary proceedings against the petitioner either while he was in service or after his retirement from service under Rule 9 of the Tamil Nadu Pension Rules, 1978. But, in the instant case, there is no material placed before this Court to show that there were any such proceedings initiated and concluded while the petitioner was in service or immediately after he retired from service. Except the impugned proceedings, there is no other proceedings, whereby the liability was fixed against the petitioner. Further, it is also evident from the materials on record that the petitioner has attained the age of superannuation as early as on 31.03.2012 and he was permitted to retire from service through proceedings dated 27.04.2024 permitting him to retire from service with effect from 31.03.2012. As the petitioner was retired from service as early as on 31.03.2012, the question of the first respondent initiating any proceedings either for recovering any amount or initiating disciplinary proceedings does not arise at this length of time. In the absence of any valid orders passing



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fixing liability against the petitioner, the action of the respondents in issuing the impugned proceedings dated 21.03.2025 proposing to effect recovery from the terminal benefits payable to the petitioner, is bound to be declared as illegal, arbitrary and without jurisdiction, besides being violative of the principles of natural justice. In the circumstances, the impugned proceedings cannot be sustained and the same needs to be quashed.

5. Accordingly, the impugned proceedings dated 21.03.2025, issued by the first respondent, is hereby quashed and this writ petition is allowed. The respondents are directed to disburse the balance terminal benefits payable to the petitioner as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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The Deputy Director,
Local Fund Audit,
Thoothukudi City
Municipal Corporation,
Thoothukudi,
Thoothukudi District.



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MUMMINENI SUDHEER KUMAR, J.

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