



W.P.No.19699 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.No.19699 of 2020

R.Sugumaran

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,  
Higher Education Department,  
St. George Fort,  
Chennai 600 009.

2.The Director,  
The Director of College Education,  
College Road,  
Chennai 600 006.

3.The Principal,  
Quaid-E-Millath Govt. College for Women (Autonomous)  
Chennai 600 002.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to dispose the petitioner's representation dated 28.11.2020 based on the communication from the first respondent to the second respondent within stipulated time fixed by this Court.



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For Petitioner : Mr.A.Thirumaran for  
Mr.P.Manikannan

For Respondents : Mr.T.Chezhiyan, Addl. Govt. Pleader

### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to dispose the petitioner's representation dated 28.11.2020 based on the communication from the first respondent to the second respondent within stipulated time fixed by this Court.

2. Heard Mr.A.Thirumaran, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. The petitioner was working as an Office Assistant under the third respondent for 32 years and got superannuated on 31.07.2015. Since the pensionary and retirement benefits have not been settled, he is before this Court.



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4. The learned Additional Government Pleader for the respondents submitted that the petitioner has been punished for producing false service records with regard to prior employment and hence, he cannot be given with pension or any other retirement benefits..

5. It is seen from the records that the petitioner's services were regularised as early as on 20.12.1985 with effect from 21.06.1983. Thereafter, the petitioner was found guilty by the third respondent that he had furnished false information to secure employment. Hence, the petitioner got punished with stoppage of increment for two years with cumulative effect instead of dismissal or removal from service. By whatever words the order is passed, the fact remains that the petitioner was given with punishment of cut in increment for two years with cumulative effect. Having given with one punishment, the respondents should not proceed to impose some other punishment of not regularising his service.



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**6.** As stated already, the petitioner's regularisation has been done on 20.12.1985 itself. When the final order has been passed by the respondents by confirming the punishment of stoppage of increment for two years instead of removing or dismissing the petitioner from service, the petitioner's regularisation cannot be disapproved by passing an another order. Since the petitioner's services have already been approved and regularisation has also been made, stoppage of regularisation in indirect manner cannot be done. In fact the petitioner has been given with one punishment i.e., stoppage of two years increment for the alleged lapse on his part. Under such circumstances, it cannot be claimed by the respondents that the petitioner has to be imposed with further punishment for stoppage of pension and other retirement benefits.

**7.** It is not the claim of the petitioner that the punishment of two years stoppage of increment to be set aside and he should be given with the arrears. The one and only claim of the petitioner is that having allowed him to retire, he should be given with terminal benefits. When the respondents have decided to impose the punishment of stoppage of



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two years increment instead of removal or dismissal of service taking into consideration of the long service rendered by the petitioner, their intention should not be to deny him the ultimate benefits i.e., retiral benefits. Since the petitioner has suffered punishment, it is only appropriate for the respondents to settle the terminal benefits of the petitioner including pension, if any, without reference to the order dated 19.09.2013 which in my opinion is '*non-est*', in view of double punishment involved therein.

8. In the result, this Writ Petition is disposed and the respondents are directed to settle the terminal benefits of the petitioner including pension, if any, without reference to the order dated 19.09.2013, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

**20.11.2023**

Index : Yes  
Internet : Yes/No  
gsk

**R.N.MANJULA, J.**



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