



W.P.(MD)No.666 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.666 of 2023**

I.Santhanasamy

... Petitioner

Vs.

The Director,  
Tamil Nadu Adi Dravidar and Tribal Welfare Department,  
Chepakkam,  
Chennai-600 005.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the respondent in Na.Ka.No.O3/11557/2017 dated 12.10.2022 and quash the same.

For Petitioner : Mr.C.Prithviraj

For Respondent : Mr.C.Satheesh  
Government Advocate



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## ORDER

This Writ Petition has been filed to call for the records relating to the order passed by the respondent in Na.Ka.No.O3/11557/2017 dated 12.10.2022 and quash the same.

2. The case of the petitioner is that he had been working as Warden in Kallakudi Boys Hostel, Trichy for Adi Dravidar students and he was also given additional charge as Warden in-charge in respect of Dr.Ambedkar Boys Hostel, Trichy, New College Boys Hostel and Government School Boys Hostel at Tiruverambur. The petitioner had attained superannuation and was allowed to retire on 30.06.2022 without prejudice to the disciplinary proceedings. While he was in service, on 22.06.2017, the petitioner was issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules stating that the petitioner has encashed bogus bills of fake students at hostels under his supervision and misappropriated huge amount and tampered the bills for his personal gain. Thereafter, the petitioner has sent his reply on 28.06.2017.



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However, the respondent has not proceeded further with enquiry. While so, on 29.08.2017, the respondent has issued a show cause notice vide proceedings in Na.Ka.No.Thal/13784/2017 dated 03.08.2017 to the petitioner. Challenging the said charge memo and the show cause notice, the petitioner has filed a writ petition in W.P(MD).No.18405 of 2017 and this Court vide its order dated 15.03.2022 disposed of the writ petition with a direction to the respondent to conclude the enquiry within a period of 12 weeks from the date of receipt of a copy of this order. Thereafter, the present impugned order of recovery has been passed. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner retired from service on 30.06.2022, the pensionary and terminal benefits are not disbursed to the petitioner. Hence, this Court may direct the respondent to withhold a sum of Rs.2,55,000/- (Rupees Two Lakhs Fifty Five Thousand only) from the pensionary and terminal benefits of the petitioner and pay the balance amount of pensionary and terminal benefits to the petitioner within a time fixed by this Court.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court directs the respondent to withhold a sum of Rs.2,55,000/- (Rupees Two Lakhs Fifty Five Thousand only) from the pensionary and terminal benefits of the petitioner and pay the balance amount of the pensionary and terminal benefits to him within a period of six weeks from the date of receipt of this order. Further, liberty is granted to the petitioner to file an appeal before the Appellate Authority.

6. Accordingly, this Writ Petition is disposed of. No costs.

**11.01.2023**

NCC:Yes/No

Index : Yes / No

Speaking Order : Yes / No

ssb



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To

The Director,  
Tamil Nadu Adi Dravidar and Tribal Welfare Department,  
Chepakkam,  
Chennai-600 005.



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**M.DHANDAPANI,J.**

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