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W.P.No.24374 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM :  
**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**W.P.No.24374 of 2017**

R.Bagyalakshmi

... Petitioner

Vs.

- 1.Principal Secretary to Government,  
Finance (Pension) Department,  
Government of Tamil Nadu,  
For St.George,  
Chennai – 600 009.
- 2.The Principal Secretary to Government,  
Personnel and Administrative Reforms (N) Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai – 600 009.
- 3.The Disciplinary Authority/  
Principal District Judge,  
Namakkal.

4.Senior Accounts Officer/Pension,

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Office of the Accountant General,  
(Accounts and Entitlements),  
Tamil Nadu,  
No.361, Anna Salai,  
Teynampet,  
Chennai – 600 018.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the proceedings in G.O.No.349 Finance (Pension) Department, dated 12.08.2013 on the file of the first respondent and to quash the same, in so far it related to the amendment brought to Rule 9(2)(b)(i) of the Tamil Nadu Pension Rules is concerned.

|                |                                                            |
|----------------|------------------------------------------------------------|
| For Petitioner | : Mr.S.Subbiah<br>Senior Counsel<br>for Mrs.Elizabeth Ravi |
| For R1 and R2  | : Mr.P.Ananda Kumar<br>Government Advocate                 |
| For R3         | : Mr.S.Haja Mohideen Gisthi                                |
| For R4         | : Mr.V.Vijay Shankar                                       |

## **ORDER**

**(Order of this Court was made by S.M.SUBRAMANIAM,J.)**

The writ on hand has been instituted questioning the amendment brought to Rule 9 (2) (b) (i) of the Tamil Nadu Pension Rules, 1978.

2. Mr.S.Subbiah, learned Counsel appearing on behalf of the



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petitioner would submit that the amendment brought into Rule 9 of the Tamil Nadu Pension Rules amounts to discrimination. All the employees working in the various departments are to be construed as State Government Employees. Therefore, the pre-amended Rule that a permission to be obtained from the Government is to be sustained. As per the impugned amended Rule, the Head of the Department is empowered to initiate departmental disciplinary proceedings against the Sub-ordinate employees within a period of 4 years from the date of retirement.

3. State Cadre Officials cannot be treated on par with the Sub-ordinate Officials in Government Services. Though all the employees are working under the State Government they are working in different services and different cadres. Each such cadre is governed by separate set of Special Rules. In the present case, the State services are governed under State Service Rules. As far as the Sub-ordinate employees are concerned, they are governed by Sub-ordinate Service Rules.

4. The Government has filed a Counter Affidavit stating that the



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necessity arose for the purpose of amending Rule 9 of the Tamil Nadu Pension Rules, 1978. It is stated that the Government have been overloaded in respect of the disciplinary proceedings cases, due to the position set out in Rule 9 of the Tamil Nadu Pension Rules, 1978 that once a Government Servant retires irrespective of the category, the Disciplinary cases are to be referred to Government for disposal. Action after retirement is pursued under rule 9 of Tamil Nadu Pension Rules, 1978 by the Government alone by following the procedures under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Hence, all the papers are sent to Government and it is a time consuming process, by collecting the papers at the District/Regional level and it is forwarded through Heads of Department to Government. Ultimately, the papers are dealt at the Government level for years together. It is one of the reasons for the accumulation of the disciplinary proceedings at the Government level. Hence, in G.O.(Ms).No.31, Personnel and Administrative Reforms (N) Department, dated 23.02.2012, the Government had proposed to modify the provisions in rule 9 of the Tamil Nadu Pension Rules, 1978 suitably and directed that the disciplinary cases of the Pensioners who belong to State service alone be sent to the Government and other cases shall be dealt with by the Heads of Department concerned. As the employee under suspension are kept under suspension for unduly long time without finalising the disciplinary cases, it is considered that two Review Committees for suspension



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cases may be constituted viz.,

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(1) One may be comprised of Heads of Department, District Level Officers and Regional level Officers; and

(2) a separate Committee may be constituted at the Government level comprising Secretary of the concerned administrative department. Heads of Department and Secretary, Personnel and Administrative Reforms as Members. The meeting may be convened once in three months, so as to speed up the process of disposal of disciplinary cases and suspension of retired officials.”

5. The petitioner has not established any acceptable ground for the purpose of interfering with the amendment inserted in Rule 9 (2) (b) (i) of the Tamil Nadu Pension Rules, 1978. In view of the fact that there is no sustainable ground raised, we are not inclined to interfere with the amendment effected.

6. Accordingly, the Writ Petition stands **dismissed**. There shall be no order as to costs.



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[S.M.S.J.] [K.R.S.J.]  
05.03.2024

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No  
veda

To

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Finance (Pension) Department,  
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For St.George,  
Chennai – 600 009.
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**S.M.SUBRAMANIAM,J.**  
**AND**  
**K.RAJASEKAR,J.**

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Order in  
W.P.No.24374 of 2017

05.03.2024  
(2/2)