



WEB COPY



WP No. 15737 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: **31-07-2025**

DELIVERED ON: **07-08-2025**

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP No. 15737 of 2025

1. V.Ponramu
S/o.M.Veluchamy,
D-C-9, TNPHC, Police Quarters,
Melakottayur, Vandalur Taluk,
Chennai- 600 127.

Petitioner(s)

Vs

1. The Principal Secretary To
Government
Home (Police- 1) Department,
Fort St. George, Secretariat,
Chennai- 600 009.

2.The Director General Of Police
Head Of Police Force,
Chennai- 600 004.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, praying to call for the records of the 1st respondent in Letter No.7283107/Police-1/2024-5 dated 17.03.2025 quash the same and consequently directing the 1st and 2nd Respondent to Disburse the Death Cum Retirement Gratuity (DCRG) payable with interest at 12% to the petitioner after deducting a sum of Rs.25,000/- subject to the outcome of W.P.No.9610 of 2022 and pass



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such further or other orders as this Honourable Court may deem fit and proper to the circumstances of the case.

For Petitioner(s): Mr.C.Vigneshwaran

For Respondent(s): Mr.G.Nanmaran
Spl Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the 1st respondent in Letter No.7283107/Police-1/2024-5 dated 17.03.2025 quash the same and consequently directing the 1st and 2nd Respondent to Disburse the Death Cum Retirement Gratuity (DCRG) payable with interest at 12% to the petitioner after deducting a sum of Rs.25,000/- subject to the outcome of W.P.No.9610 of 2022.

2. Heard Mr.C.Vigneshwaran, learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner joined as a Sub Inspector of Police during 1987, and after unblemished service of 35 years, he retired on 30.09.2023 as a Superintendent of Police. It is the submission of the petitioner that during 2018, there was some law and order problem in the All Women Police



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Station, Tuticorin. In which, the petitioner has discharged his duty as per the instructions of his superior. However, there was a complaint against the petitioner before the State Human Rights Commission in SHRC No.7346 of 2018, where the Human Rights Commission has passed an order on 02.03.2022 awarding a compensation of Rs.1,50,000/- to the complainant and directed to recover a sum of Rs.25,000/- from the petitioner. Further, the Human Rights Commission has also recommended to initiate disciplinary action including against this petitioner. It is the further submission of the petitioner that against the above order, he preferred a writ petition, wherein this Court vide order dated 20.04.2022 granted an order of interim stay. The learned counsel would further submit that the petitioner was allowed to retire on 30.09.2023 in the afternoon subject to the outcome of the WP.No.9610 of 2022. Subsequently, vide order dated 20.08.2024, the petitioner was sanctioned the pension. However, the respondents withheld the DCRG amount in view of the order of Human Rights Commission. It is the contention of the petitioner that, the petitioner's DCRG amount may be released after deducting a sum of Rs.25,000/-, which is the amount quantified by State Human Rights Commission. Hence, prayed to allow the writ petition.

4. Per contra, the learned Special Government Pleader would vehemently contend that the impugned letter dated 17.03.2025 is well merited, as admittedly, there is an adverse finding by the State Human



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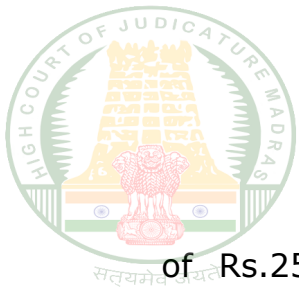
Rights Commission against the petitioner, and there is also a direction to initiate the disciplinary proceedings. Only because of the stay order by this Court, they are not in a position to proceed with the recommendation of the Human Rights Commission. Therefore, the question of releasing Death cum Retirement Gratuity does not arise as the decision for release of Death cum Retirement Gratuity would only subject to the gravity of offence to which the disciplinary proceedings is to be initiated. Hence, prayed to dismiss this writ petition.

5. I have given my anxious consideration to either side submissions.

6. The following facts are not in dispute:-

1. The petitioner was allowed to retire on 30.09.2023 subject to the outcome of WP.No.9610 of 2022.
2. It is equally not in dispute that on 20.08.2024, the Superintendent of Police, Railways has issued a letter to the District Treasury Officer certifying that there are no charge pending or under contemplation against the petitioner.
3. It is also an admitted fact that the pension payment order was issued on 20.08.2024 i.e., on the same day.

7. According to the petitioner, the only amount is yet to be disbursed is Death cum Retirement Gratuity. In this connection, the objection raised by the respondents is, the recommendation of the State Human Rights Commission dated 02.03.2022. In which recovery of a sum



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of Rs.25,000/- was ordered besides direction to initiate disciplinary proceedings.

8. At this juncture, it is appropriate to discuss the Rule position. According to Section 9(1)(b) of the Tamil Nadu Pension Rules, if there is any pecuniary loss caused to the Government, and when the pensioner is found guilty of grave misconduct or negligence, the Competent Authority shall also have the right of ordering recovery from the Death Cum Retirement Gratuity of the whole or part of the pecuniary loss caused by such grave misconduct or negligence. For ready reference, this Court deems it appropriate to extract Section 9(1)(b) of Tamil Nadu Pension Rules:-

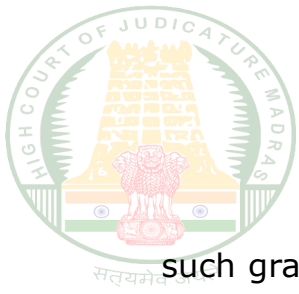
"9. Right of competent Authority withhold or withdraw pension-

(1) (a)

(b) In case there is any pecuniary loss caused to the Government, to any local body or to any co-operative society comprising of Government servants and registered under the Tamil Nadu Co-operative Societies. Act, 1961, and if, in any, departmental or judicial proceedings, pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement, **the competent Authority shall also have the right of ordering recovery from the Pension [or Death-cum-Retirement Gratuity] of the whole or part of the pecuniary loss caused by such grave misconduct or negligence."**

[Emphasis supplied by this Court]

9. While harmoniously analysing the above Rule position, the Competent Authority will have a power to recover from the Death cum Retirement Gratuity only when there is a pecuniary loss arising out of

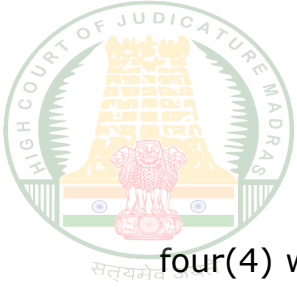


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such grave misconduct or negligence. In the case in hand, the pecuniary loss that is staring against the petitioner is the order of State Human Rights Commission, wherein the Commission has quantified at Rs.25,000/-.

10. Though the said order is the subject to the writ proceedings, the petitioner himself has now given consent to deduct a sum of Rs.25,000/- from his Death cum Retirement Gratuity without prejudice his right in the writ petition. Therefore, even for argument sake, if we consider that there will be a disciplinary action against the petitioner, it will have nothing to do with pecuniary loss. If that being a case, withholding of DCRG become contrary to the Rule. Therefore, this Court is of the firm view that the rejection order passed by the first respondent, by referring the disciplinary proceedings, which admittedly does not relate to any pecuniary consequence is contrary to Rule. Thus, this Court is of the firm view that the impugned rejection order is liable to be interfered with, as it is contrary to the Rule 9(1)(b) of Tamil Nadu Pension Rules.

11. In the result, this writ petition stands allowed and the impugned rejection order dated 17.03.2025 is hereby quashed. As a consequence, the respondents are directed to disburse the eligible Death cum Retirement Gratuity to the petitioner, after deducting a sum of Rs.25,000/-, being the amount quantified by SHRC, within a period of



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four(4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

07-08-2025
(2/2)

kmi

Index:Yes/No

Speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Principal Secretary To
Government
Home (police- 1) Department,
Fort St. George, Secretariat,
Chennai- 600 009

2.The Director General Of Police
Head Of Police Force,
Chennai- 600 004



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C.KUMARAPPAN J.

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