



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.19445 of 2018

and

WMP.No.22877 of 2018

G. Krishnaswamy,
Son of Gurusamy,
5/55., Govindaraja Nagar Panneermadaai,
Coimbatore-17.

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Petitioner

Versus

1. The Principal Chief Conservator,
& Head of Forest Force,
Chennai 600 015.
2. The Chief Conservator of Forests
and Field Director Anamalai Wild
Life Sanctuary, Pollachi,
Coimbatore District.
3. The Conservator of Forest
Coimbatore Circle,
Coimbatore 641 018.
4. The Principal and Accountant
General Teynampet,
Chennai - 600 018.

...

Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the orders of the First Respondent in (1) Pro.Na.Ka. No.B3/44063/03-1 dated 13.8.2013 (2) Pro.Na.Ka. No.44063/2003 dated 17.4.2014 quash the first order to the limited extent of condition that the Disciplinary Proceedings of the Third Respondent in C.No. E2/10668 of 2000 dated 23/05/2000 and by Second Respondent Proceedings C.No.6781/2010 E1 dated 28/10/2011, shall be continued under Rule 9(2) (a) of the Tamil Nadu Pension Rules 1978, and to quash the second order in its entirety and issue consequential directions to the Respondents to disburse all pensionary and retirement benefits with arrears with 18% utmost per annum for delayed payment.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Rajesh, GA for RR1 to 3
: Mr.P.Manorajan for R4

ORDER

Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.S.Rajesh, learned government advocate for the respondents 1 to 3 and Mr.P.Manorajan, learned counsel for the 4th respondent and perused the materials available on record.

2. This writ petition has been filed to call for the records relating to the order of



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the First Respondent dated 13.08.2013 in [Pro.Na.Ka. No.B3/44063/03-1](#) and the order dated 17.04.2014 in [Pro.Na.Ka. No.44063/2003](#) dated 17.4.2014 and quash the first order to limit the extent of the contention to the board proceedings of the Third Respondent in [C.No. E2/10668](#) of 2000 dated 23/05/2000 and by Second Respondent Proceedings [C.No.6781/2010](#) E1 dated 28/10/2011, shall be continued under Rule 9(2)(a) of the Tamil Nadu Pension Rules 1978 and quash the same.

3. During the pendency of the writ petition, the petitioner died. So far as the disciplinary proceedings involved in the impugned proceedings are concerned, it has been initiated and even completed. At the conclusion of the disciplinary proceedings, the petitioner was imposed with the punishment of dismissal. The appeal filed by the petitioner to the government, the punishment of dismissal was set aside, and he was reinstated into service on 27.03.2003. And thereafter he was even permitted to retire from service on 31.08.2003 on his attaining the age of superannuation. It is also learnt that the period of suspension and the period during which he was out of employment have also been treated as duty.

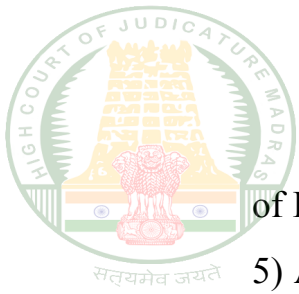


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4. However, in the counter filed by the 1st respondent, it is learnt that a sum of Rs.1,30,110/- has been ordered to be recovered from the death-cum-retirement gratuity payable to the petitioner. In fact, in the counter, the details of the adjustment in respect of the deducted sum of Rs.13,010/- have also been stated in para No.14 as under:

"(14) It is respectfully submitted that in addition to the charge sheet which has been ordered only on 03.10.2019 against the petitioner, the following liabilities are also pending against him which need to be adjusted from the terminal benefits, that would become eligible to him.

- 1) Non-payment of Electricity charges for Rs.223/- in Tamil Nadu Forest Academy, Coimbatore when he was occupying Government Quarters.
- 2) Excess expenditure of Rs.6032/- ordered to be recovered from the petitioner as per Conservator of Forests, Coimbatore Ref.No.3840/2003/E2, dt. 13.02.2003 for works carried out in Social Forestry Range, Udhagai during 1999-2000.
- 3) Excess expenditures of Rs.22,525/- ordered to be recovered from the petitioner as per Conservator of Forests, Coimbatore Proc. No.7798/2003/E2, dt.28.06.2000 for works carried out during 1998-99 and 1999-2000 in Social Forestry Range Udhagai.
- 4) A sum of Rs.19,642/- ordered to be recovered from the petitioner while he working in Genetic Division, Coimbatore vide Conservator



of Forests, Genetics No.22642/1997.

5) A sum of Rs.1,07,698/- ordered to be recovered in Conservator of Forests, Research Proc. No.4071/2007/E2, dt. 11.08.2003, for not handing over seeds collected in seed storage Depot Range in Genetics Division, Coimbatore.

6) Non-payment of loan payment taken from Co-operative Thrift Society in Kothayar Rubber Division which has been ordered to be recovered from the petitioner in Proc. No.E/423/2003, dt. 22.03.2003 of Divisional Manager, Kothayar Rubber Division.

7) Recovery of balance amount of Rs.300/- towards Festival Advance taken while the petitioner was working in Kothayar Rubber Division vide Lr.No.393/2005, dt.25.02.2005 of Divisional Manager, Kothayar Rubber Division.

8) Recovery of Rs.38,100/- ordered to be recovered from the petitioners as per Conservator of Forests, Coimbatore Proc. No. 13706/2002, dt.30.01.2002. This pertains to non-carrying out the work of construction of community centre in Kempnanur villages during 1992-2000 in Udhagai Social Forestry Range."

5. In such circumstances, the legal heirs of the deceased petitioner, if any, are interested, they ought to have challenged the above order of recovery. So far as the subject matter involved in this writ petition is concerned, nothing remains to be considered any further, and they have become infructuous.



In the result, the writ petition is **closed**. No costs. Consequently, the connected Miscellaneous Petition is also closed.

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Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

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R.N.MANJULA, J.
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