



WEB COPY

WP No. 40474 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 40474 of 2025

and

WMP.No.45438 of 2025

A.Parthasarathy

Petitioner

Vs

1. The Government Of Tamil Nadu
Rep by the Additional Chief Secretary
To Government, Revenue And Disaster
Management Department,
Fort St. George, Chennai-600 009

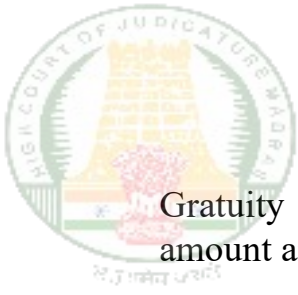
2.The Additional Chief Secretary /commissioner
Of Revenue Administration
Chepauk, Chennai-600 005

3.The Accountant General
(Accountants And Entitlements)
Chennai-600 018

4.The District Collector
Kancheepuram District,
Kancheepuram -631 501

Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in G.O. (2D) No.306 Revenue and Disaster Management Department Services Wing Ser.2(3) Section, dated 09.05.2025 and quash the same and direct the Respondents to pay to the Petitioner the withheld 100 percentage Death and Retirement



Gratuity with interest and restrict the pension cut to one third of the pension amount and grant him all consequential benefits.

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For Petitioner: P. Manoj Kumar

For Respondents: Mr.R.U.Dineshraj Kumar, AGP
for R1, R.2 and R.4
Mrs.J.Sree Vidya, Standing counsel
for R.3

ORDER

This Writ Petition has been filed challenging the order passed by the 1st respondent dated 09.05.2025 thereby imposing punishment of withholding part of pension and granting minimum pension of Rs.7,850/- per month permanently and also withholding the full eligible 100% Death cum Retirement Gratuity amount for the pecuniary loss to the Government.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Junior Assistant in the Revenue Department of the Government of Tamilnadu and subsequently promoted to various posts and at last he was promoted as Deputy Tahsildar. Due to attainment of age of superannuation, he was retired from service on 31.10.2010 without prejudice to the disciplinary proceedings pending against him.



4. The petitioner was facing charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, as per the charge memo dated 25.10.2006. After an enquiry, he was found guilty of the charges framed against him and was served with the enquiry report. Thereafter, a letter dated 28.10.2024 proposing the imposition of the punishment of withholding part of the petitioner's pension permanently, subject to a minimum pension of Rs.7,850/- per month, was issued to him. On receipt of the same, the petitioner, by letter dated 05.12.2024 expressed his consent and accepted the proposed pension reduction.

5. Now, the 1st respondent, by the impugned order dated 09.05.2025, imposed the punishment of withholding part of the petitioner's pension and granting a minimum pension of Rs. 7,850/- per month permanently, and also withheld the entire eligible 100% Death cum Retirement Gratuity amount in respect of the pecuniary loss caused to the Government.

6. The second limb of the punishment (withholding the entire eligible 100% Death cum Retirement Gratuity) was not proposed in the proposal sent to the petitioner dated 28.10.2024. Therefore, the second limb of the punishment cannot be sustained and is liable to be set aside. Accordingly, the same is set



aside, and the matter is remanded back to the 1st respondent for fresh consideration. The 1st respondent is directed to send a fresh proposal to the petitioner in respect of the second limb of the punishment and to pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

29-10-2025

shr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Government Of Tamil Nadu Rep By
The Additional Chief Secretary To Government,
Revenue And Disaster Management Department,
Fort St. George, Chennai-600 009

2.The Additional Chief Secretary /Commissioner
Of Revenue Administration Chepauk,
Chennai-600 005

3.The Accountant General (Accountants And
Entitlements)
Chennai-600 018

4.The District Collector
Kancheepuram District,
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