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W.P.No.39834 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.39834 of 2025
and
W.M.P.No.44752 of 2025

K.Ramachandran

....

Petitioner

Vs

1.The Government of Tamil Nadu,
rep. By 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.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in G.O. (2D) No.307, Revenue and



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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.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 09.05.2025 passed by the first respondent, thereby withheld 100% Death-cum-Retirement Gratuity of the petitioner as punishment.

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

3. The petitioner was appointed as a Steno Typist in the Revenue Department on 31.08.1970. Thereafter, he was promoted to the posts of Assistant, Deputy Tahsildar and subsequently as Tahsildar in the year 1998. While he was working as Zonal Deputy Tahsildar from 07.06.1996 to 16.07.1996, the petitioner was subjected for police training for promotion to the post of Tahildar. At that



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At the juncture, the petitioner was placed under suspension on the ground that he had committed certain irregularities in the sanction of business loan and housing loans intended to Sri Lankan repatriates, and the Government money was misappropriated by fabrication of records.

4. Pending enquiry, the petitioner attained the age of superannuation on 30.08.2004. However, the petitioner was not permitted to retire from service and was placed under suspension. The order of suspension was challenged before this Court in W.P.No.4717 of 2025. This Court, by an order dated 10.01.2011, directed the respondents to complete the enquiry and pass final orders within a period of six months. However, the enquiry was not completed within the time stipulated by this Court. Subsequently, by proceedings dated 17.05.2017, the petitioner was permitted to retire from service, after revocation of the suspension order, with a direction to continue the disciplinary proceedings as contemplated under Rule 9 of Pension Rules 1978. Thereafter, the petitioner was served with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules dated 25.10.2006. After receipt of the explanation from the petitioner, an enquiry was conducted. On receipt of the enquiry report, the petitioner was served with a



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show cause notice.

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5. On a perusal of the show cause notice served with proposed punishment to seek consent dated 28.10.2024, it is seen that for the proven charges, the Government had proposed to impose punishment of withholding part of pension subject to a minimum pension of Rs.7,850/- per month. On receipt of the said communication, the petitioner, by his letter dated 05.12.2024, conveyed his consent accepting the proposed pension cut. However, on 09.05.2025, a final order has been passed, which is impugned in this writ petition. It reveals that as the delinquent officer has accepted the proposed punishment of withholding part of pension subject to minimum pension of Rs.7,850/-, the Government had decided to confirm the punishment of withholding part of the pension to the tune of Rs.7,850/- and also to withhold full eligible (100%) Death-cum-Retirement Gratuity for the pecuniary loss to the Government. However, the punishment of withholding full eligible 100% Death-cum-Retirement Gratuity for the pecuniary loss was not stated in the proposed punishment communication dated 28.10.2024. On the sole ground, the order impugned in this writ petition cannot be sustained and is liable to be quashed.



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6. Accordingly, the order dated 09.05.2025 passed by the first respondent, is hereby quashed. The matter is remanded to the first respondent for issuance of a fresh show cause notice clearly indicating the proposed punishment. On receipt of the petitioner's reply, if any, the first respondent shall pass final orders on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above directions, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

25.10.2025

Neutral citation :Yes/No
Index:Yes/No
Speaking/Non speaking
Lpp

G.K.ILANTHIRAIYAN, J.

Lpp



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To

1.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.

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