IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM:

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P. No.41978 of 2025
and W.M.P.No.47022 of 2025

1.Union Bank of India
Rep. by the Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai-600 002.

2.The General Manager
Postal Accounts and Finance
No.7, Ethiraj Salai
Chennai-600008.

3.The Senior Superintendent of Post Offices
Chennai City Central Division
Chennai-600 017. ... Petitioners

Vs.

J.Panneersevalm … Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records relating to the order passed by CAT, Chennai in O.A No.958 of 2022 dated 31.01.2025 and quash the same.

For Petitioner : Mr.V.Chandrasekaran
Senior Panel Counsel

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

Challenging the order of the Central Administrative Tribunal, Chennai Bench, dated 31.01.2025 passed in O.A No.958 of 2022, in setting aside the order dated 16.09.2022 passed by the 3rd petitioner and directing the authorities, the petitioners herein, to consider the pension application dated 01.06.2013 of the applicant, the respondent herein, with regard to his commuted value of pension and duly recommended by the Senior Superintendent of Post Office vide their letter No.C1/42/JP/2013-2014 dated 10.09.2013 and pass appropriate order within a period of three months, the present writ petition has been filed.

2.The 3rd petitioner had originally issued a charge sheet dated 28.10.2013 against the applicant/respondent under Rule 14 of CCS (CCA) Rules, 1965, just three days before his superannuation. However, he was permitted to retire from service on superannuation on 31.10.2013 afternoon, by the competent authority subject to pending disciplinary proceedings under Rule 9 of CCS (Pension) Rules, 1972. After such a permission, the competent authority had also recommended for pension proposal on 01.06.2013. Thereafter, the respondent submitted an application for pension on 01.06.2013 and the same has been countersigned by the competent authority on 10.09.2013 and later, forwarded to the higher officials. When the matter is pending, the disciplinary proceedings initiated against the respondent was concluded only in the year 2016. The punishment was imposed on 05.07.2016 withholding of 50% of his monthly pension for a period of 5 years. It appears that the punishment period was also over. The order in the disciplinary proceedings has also served its purpose. Thereafter, the respondent submitted an application for grant of commutation of 50% of the pension that has been restored on completion of punishment period with effect from 06.07.2021. However, that application was rejected citing Rule 5 of CCS (Commutation of Pension) Rules, 1981 which reads as follows:

> *"(1) Permissible limit of commutation when part of pension is withheld. – Under the Commutation Rules, a pensioner can commute one-third of the pension that has been granted under the rules. When a part of pension is withheld or withdrawn under Article 351, CSR [Rule 8, CCS (Pension) Rules 1972], the residual amount is the amount that has been granted under the rules from the date of withholding or withdrawal of a part of the pension. As such, **if commutation is applied for after this date**, the admissible amount that can be commuted will have to be calculated with reference to the pension payable to the person after that date. Commutation rules do not state that the commutable amount is to be calculated with reference to the pension originally granted to the person".*

It was put under challenge before the Central Administrative Tribunal, Chennai Bench.

3.The learned Central Administrative Tribunal, Chennai Bench, considering the Rule, has held that if the commutation is applied after a part of pension is withheld, the admissible amount that can be commuted will have to be calculated with reference to the pension payable to the person after withholding the amount from pension. However, in the present case, there was no withholding of pension when the commutation of pension was recommended by petitioner's authority, who is also the disciplinary authority in the disciplinary case. Hence, the Tribunal held that Rule 5 as referred by the authorities does not apply to the respondent's case. Challenging the same, the present writ petition has been filed.

4.We have also perused the above Rule.

5.On perusal of the Rule referred to above, we are of the view that the Rule cannot be applied mechanically in the present case. Admittedly, the pension was withheld, after the competent authority had approved and forwarded the recommendation. The disciplinary proceedings were completed only in the year 2016, resulting in stoppage of 50% of the pension. That period has already elapsed. Further, we have also noted that no charge whatsoever framed or pending when the recommendation had already been made by the competent authority.

6.In such view of the matter, merely because of the subsequent disciplinary proceedings have been completed and the punishment had already been in force, the Rule cannot be applied. Hence, we do not find any merit in this writ petition.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(N.SATHISH KUMAR J.)(M.JOTHIRAMAN J.)
10.11.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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