



W.P.(MD) No.795 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
29.10.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.795 of 2025

and

W.M.P.(MD) No.519 of 2025

P.R.Johnsirani

... Petitioner

-vs-

- 1.The Additional Chief Secretary/ Revenue Administrative Commissioner,
Chepauk, Chennai – 600 005.
- 2.The District Collector,
Dindigul District, Dindigul.
- 3.The District Revenue Officer/ Additional Collector,
Dindigul District, Dindigul.
- 4.The R.D.O.,
Palani R.D.O. Office Building,
Palani Town & Taluk,
Dindigul District.
- 5.The Special Tahsildar, (Land Acquisition for NH),
Dindigul Collector Office building, Dindigul.



W.P.(MD) No.795 of 2025

WEB COPY

6.The Commissioner,
Office of the Principal Accountant General (A&E),
631, Anna Salai, Chennai – 600 018.

7.The District Treasury Officer,
Dindigul District Treasury Office,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or Order or direction, calling for the records in respect of 1st respondent's office proceedings (pending before him) in ??? ??. ??? 5(1)/02-DA/50/2022 dated 02.03.2023 and quash the same and direct the 2nd respondent to give the 'no due certificate' to the petitioner and consequently directing the 6th and 7th respondents to hand over all the revised retirements benefits and revised pension amounts with interest at the rate of 12% p.a. to the petitioner and to pass such further orders.

For Petitioner : Mr.V.Lakshmanan

For Respondents : Mr.F.Deepak for RR1 to 5 & 7
Special Government Pleader

Mr.P.Gunasekaran for R6
Standing Counsel



W.P.(MD) No.795 of 2025

WEB COPY

ORDER

This Writ Petition of Certiorarified Mandamus had been filed to calling for the records in respect of 1st respondent's office proceedings (pending before him) in **???? ???**. **???** 5(1)/02-DA/50/2022 dated 02.03.2023 and quash the same and direct the 2nd respondent to give the 'no due certificate' to the petitioner and consequently directing the 6th and 7th respondents to hand over all the revised retirements benefits and revised pension amounts with interest at the rate of 12% p.a. to the petitioner and to pass such further orders

2. Heard Mr.V.Lakshmanan, learned counsel appearing for the petitioner, Mr.F.Deepak, learned Special Government Pleader appearing for the respondents 1 to 5 & 7 and Mr.P.Gunasekaran, learned Standing Counsel appearing for the sixth respondent.

3. Mr.V.Lakshmanan, learned counsel appearing for the petitioner would submit that the petitioner was working as a Village Administrative Officer and was proceeded under Rule 17B of the Tamil Nadu (Discipline & Appeal) Rules (hereinafter referred to as 'the Rules') and was also placed under



W.P.(MD) No.795 of 2025

WEB COPY

suspension. An Enquiry Report came to be made against the petitioner holding that the charges are proved and accepting the Enquiry Officer's Report, the second respondent by order dated 11.10.2011 had imposed an order of punishment of compulsory retirement against which the petitioner had preferred an Appeal with the first respondent and by an order dated 30.06.2015, the order of the Disciplinary Authority was set aside and remitted the matter back to him for fresh disposal.

4. On remand, the second respondent herein holding that the charges have been proved and also finding that the petitioner had been suffering for 10 years without any monetary benefits apart from the medical condition of the petitioner, imposed a punishment of censure and permitted the petitioner to retire from service on her date of superannuation with a further condition that the 1/3rd of the loss that has been occurred to the Government shall be recovered from the petitioner together with interest. Thereafter, the third respondent herein by proceedings dated 13.08.2021 after deducting 1/3rd amount together with interest directed the payment of terminal benefits to the petitioner.



W.P.(MD) No.795 of 2025

WEB COPY

5. When that being so, the first respondent herein by the impugned proceedings had suo motto set aside the proceedings of the District Collector dated 11.08.2021 had directed further proceedings against the petitioner under Rule 17B read with the Tamil Nadu Pension Rules. Pursuant to the said order, the second respondent had also cancelled the orders issued by him on 11.08.2021 and the third respondent dated 13.08.2021.

6. The learned counsel for the petitioner would submit that the order of the first respondent setting aside the punishment order had been made on the appeal filed by the petitioner without offering an opportunity to the petitioner, hence, the order impugned herein according to him suffers from the violation of principles of natural justice and *audi alteram partem*. He would further submit that having recovered the entire amount from the tortfeasors, the petitioner cannot be mulcted with liabilities even after 14 years of the petitioner having been retired from services and having been also permitted to retire from service. Hence, he seeks indulgence of this Court to the order impugned herein.

7. Mr.F.Deepak, learned Special Government Pleader appearing for the



W.P.(MD) No.795 of 2025

WEB COPY

respondents 1 to 5 & 7 would submit that the petitioner had been the reason for cause of huge loss to the Government and therefore, imposing of punishment of censure and to collect only 1/3rd of the loss together with interest was disproportionate to the delinquency committed and hence, the orders were issued cancelling the punishment with a direction to issue fresh proceedings against the petitioner. Placing the proceedings of the second respondent dated 29.09.2025, he would submit that it had been decided to drop all the proceedings by not pressing the charges as there is no possibility to recover any amount from DCRG, as the petitioner had been already disbursed with the DCRG amount and also revenue recovery proceedings could not be initiated against the petitioner as there was no property in the name of the petitioner. He would submit that recording the same, this Court may pass appropriate orders.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

9.The proceedings of the first respondent dated 29.09.2025 had been placed on record and a perusal of the same would indicate that in view there



W.P.(MD) No.795 of 2025

WEB COPY

was no possibility to recover any amount from the petitioner's DCRG benefits or even under the revenue recovery proceedings as the petitioner did not have any property, a decision had been taken to not press the charges and drop the proceedings against the petitioner. When the respondents themselves have decided not to press the charges and decided to drop the disciplinary proceedings, this Court finds that the relief sought for as against the impugned order dated 02.03.2023 had become infructuous.

10.Further by application of the Government order in *G.O.(Ms).No.47, Human Resources Management (FR-III) Department dated 29.08.2025*, the petitioner could only be deemed to have been retired from service on the date of his superannuation and she would be entitled for all terminal benefits as now it had been decided to drop all disciplinary proceedings against her.

11.For the aforesaid reasons, the Writ Petition stands disposed of with a direction to the respondents to disburse all terminal benefits as eligible and also to pay her the pensionary benefits. But, however, considering that the delinquency had been proved and that the charges are dropped for the simple reason that there is no possibility of recovery of any amount, this Court is of



W.P.(MD) No.795 of 2025

WEB COPY

the view that the petitioner would not be entitled for interest as per the Rule 45-A of the Tamil Nadu Pension Rules, 1978. Consequently, the connected miscellaneous petition is also closed. However, there shall be no order as to costs.

12.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Gba

To:

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K.KUMARESH BABU, J.

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W.P.(MD) No.795 of 2025

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PRE-DELIVERY ORDER

IN

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