



W.A(MD) No.180 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

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&

M.P.(MD)No.566 of 2021

1.The Principal Secretary to Government
Environmental & Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai.

2.The Principal Chief Conservator of Forests,
Chennai.

3.The District Forest Officer,
Madurai Forest Division,
Madurai-625 002.

... Appellants

Vs.

1.A.Karuppasamy

2.The Principal Accountant & General (A & E)
Chennai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.10.2019 in W.P.(MD)No.20298 of 2019 on the file of this Court.



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For Appellants : Mr.S.Shaji Bino
Special Government Pleader

For Respondent : Mr.T.S.Mohamed Mohideen
for R1

: Mr.P.Gunasekaran
for R2

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The first respondent herein Thiru.Karuppasamy was working as forester in the forest department. He was allowed to retire on 30.04.2016 when he attained the age of superannuation. Since his terminal benefits were not settled, he filed W.P.(MD)No.20298 of 2019. The writ petition was allowed by the learned single Judge vide order dated 21.10.2019. Rev.P.(MD)No.23 of 2020 filed by the Government was dismissed on 25.08.2020. Aggrieved by the same, this writ appeal has been filed.

2. When the writ appeal was taken up 'for final disposal', it was submitted by the learned counsel on either side that the writ petitioner's pension has already been sanctioned and the benefits have also been settled. We were about to close the writ appeal by recording this



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development. At this stage, the learned standing counsel for the second respondent ie., the Principal Accountant & General (A&E), Chennai submitted that the law on this aspect may be clarified. It is seen that disciplinary action initiated against the writ petitioner was dropped vide G.O.(D)No.175, dated 09.07.2018. However, the vigilance case registered against the writ petitioner was pending in Crime No.14 of 2018. The vigilance case got closed only recently ie., on 15.05.2023. When the writ petition was taken up for final disposal, the vigilance case was very much pending.

3. Rule 69 of Tamil Nadu Pension Rules, 1978 reads as follows:-

“69.Provisional pension where department or judicial proceeding or enquiry by the Director of Vigilance and Anti-Corruption may be pending:-

(1)(a) in respect of a Government servant referred to in sub-rule (4) of Rule 9, the Head of office shall pay the provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the Government servant.

(b) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.



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[provided that no such gratuity, shall be withheld in respect of a Government servant who has been permitted to retire without prejudice to the departmental or judicial proceedings pending against him, where such departmental or judicial proceedings are only for administrative lapses not involving any pecuniary loss to the Government;]

[Provided further that where a Government servant, against whom a departmental or judicial proceedings involving pecuniary loss to the Government is pending, is permitted to retire without prejudice to such departmental or judicial proceedings, a portion of gratuity may be authorised after deducting the maximum computed financial loss to the Government for which the Government servant is held liable, along with unrecovered Government dues if any, of such Government servants, with interest.]

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specific period.

(3) Nothing contained in this rule shall prejudice the operation of Rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings."

4. The terms **“or enquiry by the Director of Vigilance and Anti-**



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Corruption” had been inserted vide G.O. Ms. No. 308, Finance (Pension) Department, dated 02.05.1988 with effect from 1.1.1979. But, in the publications brought out by private agencies, there is reference only to departmental or judicial proceedings. The words “**or enquiry by the Director of Vigilance and Anti-Corruption**” are absent in those publications. Probably, that was why, the learned single Judge was misled. We clarify that Rule 69 would be attracted not only when the departmental or judicial proceedings are pending but also when enquiry by the Vigilance and Anti-corruption is pending.

5. With the aforesaid clarification, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)
08.12.2025

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