



W.P(MD)No.24600 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

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THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.24600 of 2019

M.Thirumathi

... Petitioner

Vs.

- 1.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai-600 006.
- 2.The Deputy Director of Health Services,
Department of Public Health and Preventive Medicine,
Government Headquarters Hospital Campus,
Meenachinaickenpatti,
Dindigul-624 001.
- 3.The Block Medical Officer,
Government Primary Health Centre,
Uluppagudi, Natham Taluk,
Dindigul District-624 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent in R.No.4819/A2/2013 dated 06.11.2019 and quash the same and to direct the respondents to disburse my death-cum-retirement-gratuity in accordance with principles of natural justice as as per the judgment of this Court.



W.P(MD)No.24600 of 2019

For Petitioner : Mr.B.Rooban
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition is filed challenging the order dated 06.11.2019, in and by which the petitioner's gratuity was denied by referring to Rule 60(1)(c) of the Tamil Nadu Pension Rules, 1978 (hereinafter referred to as 'the Rules' for brevity).

2.The learned counsel for the petitioner would submit that she was working as Village Health Nurse at Government Primary Health Centre, Natham Taluk. When she was in service, she was trapped in a false case of receiving bribe and FIR was registered against her by the department of Vigilance and Anti Corruption. FIR was culminated into Spl.C.C.No.33 of 2014 on the file of the Principal District Court, Dindigul. Thereby, the petitioner was not permitted to retire from service and some pensionary benefits were withheld by the respondents.

3.The learned counsel for the petitioner further submits that having settled all other claims, the denial in settling the pension is in violation to the Tamil Nadu Pension Rules and the learned counsel would further rely upon



W.P(MD)No.24600 of 2019

the case in W.P.No.14375 of 2018, wherein according to the petitioner, during the pendency of the criminal proceedings, the pension was settled to the petitioner therein, hence, she prays to interfere with the same.

4.The said contention was totally objected by the learned Additional Government Pleader by relying upon Section 60(1)(c) of the Rules. He would submit that under Section 60(1)(c) of the Rules, when there is a judicial or departmental proceedings pending, the delinquent is not entitled for pension amount as he/she has been retained in the service for the completion of the criminal case and disciplinary proceedings. Hence, he seeks to dismiss this writ petition

5.I have given my anxious consideration to either side submissions and perused the materials placed on records.

6.The main contention put forth by the learned counsel for the petitioner is based on the decision in W.P.14375 of 2018. However, the learned counsel for the petitioner would fairly submit that the above judgment is in respect of a person, who was allowed to retire by the Department and only in such peculiar circumstances, this Court directed the authorities to disburse the pension amount. In the case on hand admittedly,



W.P(MD)No.24600 of 2019

criminal proceedings is pending before the Principal District Court, Dindigul in Spl.C.C.No.33 of 2014, for the charge under the Prevention of Corruption Act.

7.This Court deems it appropriate to reproduce Section 60(1)(c) of the Tamil Nadu Pension Rules as under:

“60...
1....

(c)No gratuity shall be authorised to the Government servant until the conclusion of such proceedings and issue of final orders thereon.”

8.According to the above Rule, the delinquent is not entitled to get their pension until the criminal proceedings or disciplinary proceedings are over. Apart from that as rightly submitted by the learned Additional Government Pleader, the petitioner is still retained in service and therefore, when the person is retained in service, the question of releasing pension does not arise at all.

9.In view of the above discussions, this Court does not find any infirmity in the impugned order. Hence, this writ petition is dismissed. No costs.

05.11.2025

Index : Yes/No



W.P(MD)No.24600 of 2019

Neutral Citation : Yes/No

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W.P(MD)No.24600 of 2019

C.KUMARAPPAN, J.

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WP(MD)No.24600 of 2019

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