



WP(MD). No.29899 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.29899 of 2025

and

W.M.P(MD).Nos.23129, 23130 and 23132 of 2025

S.John Joseph Robert,

... Petitioner

Vs

1. The Principal Accountant General (Accounts and Establishments),
No.361, Anna Salai,
Teynampet,
Chennai - 600 018..
2. The Director General of Police,
Head of Police Force,
Tamil Nadu,
Chennai - 600 004..
3. The Deputy Inspector General of Police,
Trichy Range,
Trichy..
4. The Superintendent of Police,
Trichy District,
Trichy..

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records pertaining to the Impugned Order of the third Respondent in C.No.B1/5778/2022, dated 06.03.2024 imposing the punishment of cut in 2/3rd of the Petitioner's pension and quash the same as illegal and consequently directing the Respondents to pay the Full Pension admissible to the Petitioner from the date of his retirement i.e. 10.05.2023 and for other reliefs.

For Petitioner : Mr.J. Lawrance,
For R2 to R4 : Mr.M.Siddharthan
Additional Government Pleader
For R1 : Mr.G.Karthik
Standing counsel

ORDER

This Writ Petition has been filed praying for a CERTIORARIFIED MANDAMUS, calling for the records pertaining to the Impugned Order of the third Respondent in C.No.B1/5778/2022, dated 06.03.2024 imposing the punishment of cut in 2/3rd of the Petitioner's pension and quash the same as illegal and consequently directing the Respondents to pay the Full Pension admissible to the Petitioner from the date of his retirement i.e. 10.05.2023 and for other reliefs.



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2. The learned counsel for the petitioner would submit that the petitioner was visited with the punishment of compulsory retirement on 10.05.2023 and also would submit that no order has been passed with regard to the cut in pension. However, in the impugned order dated 06.03.2024, pursuant to the opinion of the first respondent herein as to what is the quantum of the DCRG to be sanctioned to the petitioner. Even in the final order of punishment passed Rule 39 of the Tamilnadu Pension Rules 1978 had not been invoked. After the communication from the first respondent, the third respondent herein held that the petitioner is entitled only for the 2/3 of the admissible pension by invoking the provisions of Rule 39 of the Tamil Nadu Pension Rules, 1978. Challenging the same, the petitioner has approached this Court and has relied upon the judgment of the Honourable Division Bench of this Court reported in 2024 (1) CWC 262.

3. The Honourable Division Bench of this Court has specifically held that it is a well settled proposition of law that if the employer has not reserved any right either under Rule 9 or under Rule 39 (1) and (2) of the Tamil Nadu Pension Rules 1978, any action of withholding 1/3rd of

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the pension of an employee, who has already suffered the punishment would amount to inflicting punishment for a second time. The Honourable Division Bench also relied upon the judgment of the Honourable Supreme Court, which upheld the judgment of the Honourable Division Bench of this Court. For better appreciation, the relevant paragraphs are extracted here under:

" 22. According to the said settled proposition of law, if the Employer i.e., State Government has not reserved any right either under Rule 9 or under Rule 31(1) and (2) of the Tamil Nadu Pension Rules, 1978, such kind of action for the second time to inflict the said punishment of withholding 1/3 rd of the pension of an Employee, who has already has been suffering with the punishment of Compulsory Retirement is not permitted. This position, as has been held by the Division Bench in the said Judgment has been upheld upto the Honourable Supreme Court, against which no decision can be taken by the Government.

23. Here in the case in hand, exactly that has been the situation. The Government has already passed an order of Compulsory Retirement by G.O.(2D) No.411,



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dated 30.07.2009, at that time, the Government has not reserved their right either under Rule 9 or under Rule 39(1), however independently, subsequently after two years on 11.04.2011, G.O.(2D).No.181 was issued imposing further punishment, of course, as contemplated under Rule 39(1) & (2) by withholding the pension to only 2/3 rd instead of full pension. That action on the part of the respondent is not supported by the legal proposition that has been declared by this Court as confirmed by the Honourable Supreme Court. "

4. In the present case also, while passing the order of punishment of compulsory retirement, Rule 39 of the Tamil Nadu Pension Rules was not invoked and after a period of one year, the same has been sought to be invoked. The judgment of the Honourable Division Bench of this Court extracted supra squarely applies to the facts of the present case.

5. For the aforesaid reasons, the writ petition stands allowed, the impugned order is set aside and the petitioner is entitled to full pension as admissible with effect from the date of the imposition of punishment namely 10.05.2023. Such benefits shall be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No



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Costs. Consequently, connected miscellaneous petitions are closed.

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TO

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K.KUMARESH BABU,J

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**ORDER
IN
WP(MD) No.29899 of 2025**

Date : 17/11/2025