



WEB COPY

WP No. 8143 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WP No. 8143 of 2024

P.Thangavel

S/o. Perumal Reddi, No. 23, D1, 3rd Street,
Jothipuram, Coimbatore 641 047

..Petitioner(s)

Vs

1. Union of India

Rep. By Its Manager (Printing),
Government Of India Press,
Coimbatore 641 019

2. The Director (Printing)

Directorate of Printing, B Wing,
Nirmal Bhavan, New Delhi 110 011

..Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Central Administrative Tribunal, Chennai Bench in OA. No. 378 of 2020 dated 09.08.2023 and quash the same and consequently direct the respondent to



sanction pension, gratuity, commutation, earned leave encashment and all other terminal benefits along with interest at 12% percent to the petitioner from 01.07.2014.

For Petitioner(s): Mr.V.Vijay Shankar

For Respondent(s): Mr. Venkataswamy Babu
Senior Panel Counsel
(For R1 & R2)

ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The present writ petition has been filed to quash the order of the Central Administrative Tribunal, Chennai Bench, in O.A.No.378 of 2020 dated 09.08.2023 and consequently to direct the respondent to sanction pension, gratuity, commutation, earned leave encashment and all other terminal benefits along with interest at 12% percent to the petitioner from 01.07.2014.

2. The learned counsel for the petitioner would submit that the petitioner had joined the service as early as in the year 1979 based upon a certificate, certifying him as belonging to Scheduled Tribe (ST). Based upon the orders passed by the District Level Vigilance Committee as confirmed by the State Level Scrutiny Committee, his services were terminated on 26.05.2003. Being aggrieved against the same, the petitioner had approached the Tribunal in



O.A.No.718 of 2003, which came to be allowed by order dated 06.02.2024. The petitioner had also challenged the orders of the District Level Vigilance Committee and the State Level Scrutiny Committee in W.P.No.23484 of 2003 and the same also came to be allowed by the orders of the Division Bench of this Court dated 27.07.2005. Against the order of the Tribunal, the respondents had approached this Court in W.P.No.6717 of 2004 and the same came to be dismissed on 10.08.2005. The respondent had also preferred S.L.P.No.2583 of 2006, which was converted into Civil Appeal No.6051 of 2010. As the petitioner had superannuated in the interregnum on 30.06.2014, the Hon'ble Apex Court, by applying its earlier judgment in **General Manager (P and A), O.N.G.C., Ltd., Vs. B.Kirupanjali, dated 26.02.2016**, had held that since the petitioner had superannuated, there is no question of reinstatement, but he would be entitled for 50% of the backwages. After disposal of the Civil Appeal, the petitioner had approached the Department for grant of terminal benefits, which came to be negated. Thereafter, he preferred O.A.No.204 of 2019, wherein directions were issued to the respondents to consider the case of the petitioner.

3. The claim was rejected by holding that a dismissed Government servant would not be entitled for any pensionary benefits as per Rule 24 of the Central Civil Services (Pension) Rules, [hereinafter Rules] and that Rule 25 of the Rules do not also permit counting of the period from the date of dismissal to



the date of superannuation as qualifying service, as the said period has neither been regularized as duty or leave by a specific order of the competent authority.

Being aggrieved against the same, the petitioner had again approached the Central Administrative Tribunal by filing an Original Application, wherein the Tribunal had rejected the claim, holding that the petitioner had not been reinstated into service, in view of the stay by the Hon'ble Apex Court and the Hon'ble Apex Court had only granted 50% of backwages and had not ordered any reinstatement and therefore, the Tribunal do not have jurisdiction or power to modify the order of the Hon'ble Apex Court.

4. The learned counsel appearing for the petitioner would vehemently contend that what was the issue before the Apex Court was only with regard to the order of termination alone and not with regard to the entitlement of the pensionary benefits.

5. Drawing our attention to the Hon'ble Apex Court judgment in ***General Manager (P and A)., O.N.G.C., Ltd., Vs. B.Kirupanjali (cited supra)***, he would submit that the Hon'ble Apex Court in the very same case, had found that there is no question of reinstatement in respect of the persons, who had superannuated, but held that they are entitled for 50% backwages and had also directed reinstatement with 50% backwages of employees, who had further service left. He would contend that the said principle was applied to the case of



the petitioner. He would submit that had the Apex Court found that the petitioner was not entitled for reinstatement, it would not have granted 50% of the backwages to him. Therefore, the order would have to be construed as an implied order of reinstatement, as only thereafter the petitioner could be entitled for backwages. He would further submit that the Hon'ble Apex Court, having benefitted the petitioner with backwages, would amount to holding that the order of termination was improper. When that be so, it would amount to regularization of the services of the petitioner by the Hon'ble Apex Court. Hence, by application of Rule 25 of the CCS (Pension) Rules, the said period should also be counted as qualifying service in calculating the pensionary benefits.

6. The learned counsel for the petitioner would submit that even if assuming that the petitioner's service from 2003 to 2014 need not be counted, the petitioner having entered into service in the year 1979, had put in 24 years of continuous service upon which he is also eligible for pensionary benefits. Therefore, he would submit that the order impugned herein requires interference by this Court with a further direction to direct the respondents to grant him all terminal benefits such as Pension, Gratuity, Commutation, Earned Leave Encashment and other admissible terminal benefits, together with interest, as applicable.



7. Countering his arguments, the learned Senior Panel Counsel appearing for the respondents would contend that there is no error in the order of the Central Administrative Tribunal impugned herein. He would submit that the Hon'ble Apex Court had not granted any order with regard to the terminal benefits to the petitioner and in that context, he would submit that it would only be proper for the petitioner to approach the Hon'ble Apex Court, seeking clarification or modification of the order made in the Civil Appeal. He would further submit that as per Rule 24 of the CCS (Pension) Rules, a Government servant, who is dismissed from service, would not be entitled for any terminal benefits. He would submit that Rule 25 cannot come to the aid of the petitioner as there is no order of reinstatement passed in favour of the petitioner and when that be so, the petitioner cannot be said to be entitled as claimed for by him. Hence, he seeks dismissal of the writ petition.

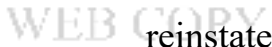
8. We have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

9. It is an admitted case that the petitioner had been imposed with the punishment of dismissal as early as in the year 2003, as his Community Certificate was found not genuine by the District Level Vigilance Committee and affirmed by the State Level Scrutiny Committee. The orders of the



Committees were set aside by the Hon'ble Division Bench of this Court by its order dated 27.07.2005 in W.P.No.23484 of 2003. In the interregnum, the Tribunal in O.A.No.718 of 2003, by its order dated 06.02.2004, finding that the order of dismissal had been made without following due process, had set aside the order of dismissal and had directed reinstatement forthwith. Being aggrieved against the same, the respondents have preferred a writ petition in W.P.No.6717 of 2004, wherein by order dated 10.08.2005, the order of the Tribunal was upheld with a further direction to reinstate the petitioner in the last post held by him on the date of dismissal and that he would be entitled to draw salary from the date of such reinstatement.

10. Against the same, the respondents had preferred an appeal in Civil Appeal No.6051 of 2010, wherein the order of reinstatement was stayed and the matter came to be finally disposed of on 19.09.2017. Taking note of the fact that the petitioner had superannuated in the interregnum i.e on 30.06.2014, the Hon'ble Apex Court had held that there is no question of reinstatement of the petitioner, but held him entitled for 50% of the backwages in terms of its earlier decision in ***General Manager (P and A), O.N.G.C., Ltd., Vs. B.Kirupanjali (cited supra)***. It is further to be noted that in the aforesaid case, the Hon'ble Apex Court, recording that the employee had worked throughout the entire period and had attained superannuation, had also directed payment of retirement benefits as per the rules.



12. Rule 25 of the ‘CCS’ Pension Rules reads as follows:

(2) *The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not count as qualifying service unless regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.*”

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service and subsequently reinstated would be entitled to count his service if such period was directed to be regularized as duty or leave by a specific order, which had passed the order of reinstatement. As found earlier, there has been a direction to reinstate the petitioner with all benefits by the Tribunal, and affirmed by the Division Bench of this Court. Therefore, the respondents cannot be heard to say that there has been no order of reinstatement of the petitioner.

14. Taking into consideration that the Hon'ble Apex Court had directed payment of 50% of the backwages for the entire period from the date of dismissal till the date of his superannuation, it is deemed that the petitioner's service stood impliedly regularized by the Hon'ble Apex Court.

15. In such view of the matter, we are of the considered view that the petitioner is entitled for all terminal benefits. It is further to be noted that the petitioner had also claimed his Earned Leave Encashment and other terminal benefits apart from Pension and Gratuity. The terminal benefits other than pension and gratuity has also to be paid even in case of an employee, who had been dismissed from service. As the petitioner has not even been paid such benefits even from the date of dismissal, the respondents are also liable to pay interest on such disbursement.



16. Assuming that the claim for interest on pension and gratuity was a litigious claim in view of the pendency of the proceedings against the order of dismissal, which came to be disposed of finally in the year 2019, we are of the considered view that the same shall bear interest only from the date of disposal of the Civil Appeal.

17. For the aforesaid reasons, the writ petition stands allowed and the impugned order made in O.A.No. 378 of 2020 dated 09.08.2023 stands set aside and as a sequel, the order made by the first respondent in proceedings dated 25.06.2019 also stand set aside. There shall be a direction to the respondents to disburse the gratuity and pensionary benefits to the petitioner with interest from 19.09.2017 and in respect of all other terminal benefits, interest from the date of superannuation. The rate of interest on all the heads is determined at 6% per annum. The respondents are directed to disburse the terminal benefits to the petitioner as directed above within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

(C.V.K.,J.) (K.B.,J.)
12-02-2026

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

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To

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Union of India

Government Of India Press,

Coimbatore 641 019.

2. The Director (Printing)

Directorate of Printing, B Wing,

Nirmal Bhavan, New Delhi 110 011



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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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