



WEB COPY

WP No. 12348 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 12348 of 2026

and

WMP.Nos.13492 & 13493/2026

S.Sivaraj
S/o. Subramanian,
No 450 Velalar Theru,
Melma Village and post, Cheyyar Taluk,
Tiruvannamalai district 604 408

..Petitioner(s)

Vs

1. The Joint Director
(Personnel),
Directorate of Government Examinations,
Chennai 06
2. The Treasury officer
District Treasury , Tiruvannamalai 606 604
3. The Assistant Treasury officer
Sub Treasury , Vandavasi 604 408
4. The Block Education officer
Vandavasi, Tiruvannamalai district 604408

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the 4th respondent in Na.Ka.No. 398/A1/ 2025 dated 18.09.2025 and quash the same and direct the respondents 2 to 4 to pay the pension and other retirement benefits that have been withheld on account of the impugned order with interest.



For Petitioner(s):

P.Rajendran
P.Mohanraj
P.Manojkumar
J.Lakshminarayanan

For Respondent(s):

M/s.Mythreye Chandran, Spl.GP

ORDER

- (1) Challenging the impugned order of the 4th respondent dated 18.08.2025, stopping payment of pension, the petitioner is before this Court, with a further prayer to direct the respondents 2 to 4 to pay the pension and other retirement benefits with interest, that have been withheld on account of the impugned order.
- (2) Brief facts preceding the filing of the writ petition is herein below set out.
- (3) It is the case of the petitioner that he was appointed as a Secondary Grade Teacher on 01.06.1992 and promoted as Primary School Headmaster on 05.02.2003. Thereafter, the petitioner retired from service on 30.04.2025 as the Headmaster of the Aided Elementary School, Adiyanur, Vandavasi Block, Tiruvannamalai District. As his retirement fell during the academic year, he was re-employed till the end of the academic year, till 31.05.2025, and was permitted to retire from service unconditionally. The petitioner would submit that at the time of his retirement, he was not facing any disciplinary proceedings or criminal cases. The Block Development Officer, Vandavasi, the 4th respondent herein, had issued a Certificate on 31.05.2025, stating that there was no due pending from the



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petitioner to the Government and that, he was not facing any disciplinary action. On the strength of this Certificate, the Pay and Accounts Office / Treasury Officer/Sub Treasury Officer, Vandavasi, had sanctioned pension under the Pension Payment Order dated 26.06.2025, in and by which, a payment of pension was authorised. Till September 2025, the petitioner had received the pension without default. However, the 4th respondent, sent a communication to the 3rd respondent on 18.09.2025, instructing him to stop payment of pension to the petitioner until further orders, as the 1st respondent had issued this direction in his proceedings dated 12.08.2025, wherein he had directed the 4th respondent to initiate criminal and departmental proceedings against the petitioner, for having secured employment on the basis of a bogus SSLC Mark Sheet. The petitioner, who had been appointed as early as in the year 1992, and who had retired on 31.05.2025, was charged with manipulating his appointment. Therefore, the petitioner had no other option, except to challenge the order dated 18.09.2025.

- (4) The petitioner would submit that as per Rule 9[1][a] of the Tamil Nadu Pension Rules, 1978, the action of the respondents was totally without jurisdiction and without even holding the petitioner guilty of any misconduct, the impugned order had been passed. The petitioner would further submit that without putting the petitioner on notice, the impugned order has been passed and hence, sought for interference of the same.



(5) Heard the learned counsels on either side and perused the materials placed on record.

(6) A mere perusal of the records filed in the typed set of papers in the writ petition would clearly indicate that the petitioner had superannuated on 31.05.2025 and at the time of his superannuation, he had been given a clean chit by all the authorities and the pension has been disbursed to him. However, after 33 years of blemishless service and four months after his retirement, the impugned order has been passed. The impugned order clearly shows that it is one that is passed invoking the authority under Section 9[1] of the Tamil Nadu Pension Rules, 1978.

(7) The aforesaid Rule, namely, Rule 9[1][a] reads thus:-

“9.Right of Government to withhold or withdraw pension.

(1)(a)*The Government reserve to themselves the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period if, in any departmental or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon reemployment after retirement, and such withholding or withdrawing the pension may be effected irrespective of the fact whether or not any pecuniary loss on account of such grave misconduct or negligence was caused to the Government, to any local body or to any Co-operative Society comprising of Government servants and registered*



under the Tamil Nadu Co-operative Societies Act, 1961;
[**Provided** that before passing an order under this sub-rule withholding or withdrawing the pension of a pensioner, the Tamil Nadu Public Service Commission shall be consulted if the pensioner does not agree to such withholding or withdrawal of the pension. The Tamil Nadu Public Service Commission need not be consulted in cases where the pensioner agrees to withholding or withdrawal of the pension but a copy of the orders passed by the Government in such cases shall be sent to the said Commission.] [First proviso to Rule 9(1)(a) substituted - G.O.Ms, No. 572, Finance (Pension) Department, dated 16-08-1993 with effect from 16th August 1993.]

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43."

(8) Further, Rule 9[2][b][ii] further states as follows:-

“2[b]The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment-

(i)

(ii) shall not be in respect of any event which took place more than four years before such institution; and

(iii)

(9) In the case on hand, the petitioner has not been found guilty and no departmental or criminal proceedings have been initiated against him while he was in service. That apart, the offence alleged, relates to the



time he was appointed, i.e., in the year 1992. Therefore, on account of the fact that no orders have been passed against the petitioner finding him guilty of grave misconduct or negligence and since the incident in question relates to an event that had taken place nearly three decades ago, the impugned order cannot be sustained.

- (10) Accordingly, the impugned order dated 18.09.2025 is set aside and the writ petition is allowed. Consequently, the respondents are directed to continue to pay the pension and other retirement benefits forth with, which had been withheld from the petitioner.
- (11) At this juncture, the learned Special Government Pleader appearing for the respondents submitted that the respondents are proposing to initiate action against the petitioner. It is needless to state that any action which is proposed to be initiated, shall conform to the extant Rules. No costs. Consequently, connected miscellaneous petitions are closed.

02-04-2026

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

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