



Writ Petition No.11469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
21.01.2026

PRONOUNCED ON
13.02.2026

CORAM

**THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Petition No.11469 of 2024
and W.M.P.No.12581 of 2024**

1.The Chief Commissioner of Customs (Customs Zone)
Customs House, No.60, Rajaji Salai,
Chennai – 600 001.

2.The Commissioner of Customs,
Customs House,
No.60, Rajaji Salai,
Chennai – 600 001.

... Petitioners

Vs

1.M.Krishnasamy

2.The Registrar,
Central Administrative Tribunal,
Madras Bench,
City Civil Court Buildings,
Chennai – 600 104.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records of the second respondent in O.A.No.504 of 2023 and quash the order, dated 26.02.2024 passed therein and pass any such further orders.

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For Petitioner : Mr.J.Vasu

For R1 : Mr.K.Suresh Babu
Assisted by Mr.Navin Suresh

For R2 : Tribunal

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Writ Petition has been filed to quash the order passed by the Central Administrative Tribunal, dated 26.02.2024 in O.A.No.504 of 2023.

2. Heard Mr.J.Vasu, learned counsel appearing for the petitioner and Mr.K.Suresh Babu, learned counsel appearing on behalf of the first respondent.

3. The learned counsel appearing for the petitioners would submit that the first respondent herein had superannuated from service on 31.08.2010, however in view of the pendency of a charge memo, he was not disbursed with the DCRG and leave encashment. The first respondent had challenged the same before the Central Administrative Tribunal, which had granted the relief to the first respondent. As against the same, the petitioners had moved



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this Court in W.P.No.33507 of 2013 and the same also came to be dismissed.

Against which a Special Leave Petition was filed and the same also came to be dismissed. Thereafter, the issue was referred to the Board and by proceedings dated 17.05.2021, only the disciplinary proceedings were terminated. After the said order, pension forms of the first respondent was forwarded, however which were returned by the Pay and Accounts office indicating that there is a discrepancy in the spelling. This was intimated to the first respondent and the first respondent had resubmitted his forms with his correct name supported by his Aadhar Card and Pan Card. Immediately thereafter his DCRG and Leave Encashments were paid on 15.09.2021 & 12.10.2021 respectively. Therefore the payment to the first respondent had been cleared within three months of his submitting the forms and therefore, there is no necessity to grant any interest for the payment.

4. In that context, he would rely upon an Office Memorandum dated 11.10.2022 and contend that only the amounts paid after three months would be liable to be paid with interest. He would submit that the representation made by the first respondent seeking for interest was also rejected by referring to the said Memorandum, as against which the first respondent had



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approached the Central Administrative Tribunal which had directed the payment of 6% interest from the date of superannuation till the date of payment of the respective amounts. He would submit that the Tribunal had wholly misconstrued the entire issue and directed payment of interest. It had failed to note that the Office Memorandum of the year 2022 and also that the first respondent had not been exonerated in entirety and the charge memo had been quashed only on the ground of delay and laches.

5. That apart, he would submit that there is a mistake on the part of the first respondent in submitting his pension papers which also disentitles him from having the benefit of interest. Hence, he seeks indulgence of this Court.

6. Countering his arguments, the learned counsel appearing for the first respondent would submit that a charge memo was issued to the first respondent on 28.08.2010, two days prior to his date of superannuation in respect of delinquencies that had happened in the year 2003-04. He would further submit that the charge memo was challenged by the first respondent in O.A.No.1521 of 2010 and the same came to be allowed on 18.10.2012. Thereafter, the petitioners had approached this Court in W.P.No.33507 of



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2013 and the same also came to be dismissed on 04.12.2018 and the Special Leave Petition filed also came to be dismissed on 19.07.2019. Even thereafter, the terminal benefits had been disbursed only after two years.

7. He would submit that even though, the Tribunal had not gone into the merits of the charge memo, the Division Bench of this Court in the Writ Petition filed by the petitioners had found that the charge against the first respondent was not serious in nature and also had held that on the merits of the charge memo also this Court was not inclined to interfere with the order. Thereafter, the Special Leave Petition filed by the petitioners also came to be dismissed.

8. In that context, he would submit that the contention of the petitioners that the first respondent was not fully exonerated is without any materials. Hence, he would submit that they are liable to pay interest to the first respondent and seeks dismissal of the Writ Petition.

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



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10. The first respondent had been visited with a charge memo two days prior to the superannuation on the delinquencies that is alleged to have been committed by him during the year 2003-04. As rightly pointed out by the learned counsel appearing for the first respondent that even though, the Tribunal had quashed the charge memo solely on the ground of delay and latches which was inordinate and unexplained, it is to be noted that a Division Bench of this Court in a Writ Petition filed by the petitioners challenging the order of the Tribunal, had given a specific finding that the charge itself has not been made out against the first respondent after holding that the delay in issuing the charge alone cannot be a reason to set aside the same and the same has also been affirmed by the Hon'ble Apex Court in that regard by its order dated 19.07.2019.

11. Admittedly thereafter, no steps were taken by the Department to disburse the terminal benefits, but however, the Department had been emboldened to revisit the issue without following the orders of the Court, that too, after two years after the matter being put to rest by the Hon'ble Apex Court. Having failed to substantiate the correctness of the charge memo issued, it can be only deemed that the first respondent had been fully



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exonerated. In such view of the matter, we do not find any infirmity or irregularity in the orders impugned herein which warrants interference by this Court.

12. In fine, the Writ Petition fails and accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

(C.V.K.,J.) (K.B., J.)
13.02.2026

Index: Yes
Speaking Order
Neutral Citation:Yes
Pbn

To

The Registrar,
Central Administrative Tribunal,
Madras Bench,
City Civil Court Buildings,
Chennai – 600 104.

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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Pbn

Pre-Delivery Order in
Writ Petition No.11469 of 2024
and W.M.P.No.12581 of 2024

13.02.2026