



WEB COPY

WP No. 11220 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

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

WP No. 11220 of 2024

and WMP Nos.12312 and 12313 of 2024

N.Mohan Kumar
S/o.E.Narayanan, No.3, 2nd Street, Poombugar
Nagar, Kolathur, Chennai-600 099.

..Petitioner(s)

Vs

1. The Government Of Tamilnadu
Rep By Its Secretary, Higher Education
Department, Fort St. George, Chennai-600 009.
2. The University Of Madras,
Rep By Its Registrar
Centenary Building, Chepauk,
Chennai-600 005.
3. The Nodal Officer, University Of Madras
Centenary Building, Chepauk,
Chennai-600 005.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the orders of the 2nd respondent issued in his proceedings in his official Communication No.F1(A)/ Estt/ 2022/ 298 dated 03-10-2022 and the consequential order issued by the 3rd Respondent in Official Communication No.F.8/ pension/ CM Cell / 2023/ 095 dated 21-02- 2023 and quash the same and consequently Direct the Respondents to Continuously pay Pension from October 2022, along with balance DCRG, Commutation amount, and encashment of Leave Salary, gratuity and all other retirement benefits forthwith with appropriate interest.



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For Petitioner(s):

Mr.P.Ebenezer Paul

For Respondent(s):

Mr.M.R.Gokul Krishnan AGP for R1

Mr.D.Ravichander, SGP for R2-3

ORDER

The writ petition has been filed for the following relief:

“calling for the records relating to the orders of the 2nd respondent issued in his proceedings in his official Communication No.F1(A)/ Estt/ 2022/ 298 dated 03-10-2022 and the consequential order issued by the 3rd Respondent in Official Communication No.F.8/ pension/ CM Cell / 2023/ 095 dated 21-02-2023 and quash the same and consequently Direct the Respondents to Continuously pay Pension from October 2022, along with balance DCRG, Commutation amount, and encashment of Leave Salary, gratuity and all other retirement benefits forthwith with appropriate interest.”

2. It is the case of the petitioner that the petitioner was appointed as a Junior Assistant in the second respondent University and posted in Distance Education Department. Subsequent to various promotion, he was finally promoted as an Assistant Registrar and posted in Lesson Storage Section, Institute of Distance Education Department and retired from service on 29.02.2020 on attaining the age of superannuation.



2.1. After his retirement, his pension and terminal benefits were not paid despite several representations made by the petitioner. While so, by proceedings dated 03.10.2022, the second respondent informed the petitioner that a committee has been constituted to enquire into the issue relating to the inclusion of 116 candidates in UG/PG/Professional Degree Courses in the month of December 2020 in the Institute of Distance Education Department. Subsequent to this, an explanation was sought from the petitioner, for which, the petitioner made a detailed explanation dated 23.02.2023 denying the charges by stating that the examination was conducted a year after his retirement and that no application fees were received during his tenure. The charges are based solely on the ground of suspicion and he was no way connected to the examination and therefore, he sought for the disbursal of his pension and other terminal benefits to him.

2.2. He would further submit that the person who was also charged and suspended for the very same issue was restored to service and other persons were allowed to retire and their pension and other benefits are paid till date without any due. It is only the petitioner's monetary benefits that are withheld by the respondents for more than four years. Therefore, the petitioner is before this Court.



3. The respondents filed a counter affidavit *inter alia* contending that the pensionary benefits of the petitioner remain ceased until further orders are received from the Syndicate and the provisional pension with effect from October 2022 will be sanctioned after obtaining the orders from the Syndicate Committee. With regard to the balance DCRG, Commutation and other terminal benefits, it will be processed only after conclusion of the Disciplinary proceedings.

4. Heard the learned counsel on either side and perused the materials available on record.

5. From the records, it is clear that the departmental proceedings were initiated against the petitioner only after his retirement, that too, for the malpractice that had occurred in an examination conducted after his retirement. According to the Rule 9(2)(b) of the Pension Rules, it is stated that if the government servant has retired on attaining the age of superannuation and subsequently, any Departmental proceedings is sought to be initiated against him, sanction of the Government is required to be taken and the event for which, the Departmental proceedings are sought to be initiated should not have taken place more than four years before his retirement.



6. In the case in hand, the respondents failed to obtain sanction of the government and the proceedings are initiated in respect of an event that took place more than four years prior to the retirement. Therefore, the impugned proceedings issued by the second and third respondents are not legally sustainable. Accordingly, this Writ Petition is allowed as prayed for and the respondents are directed to disburse the amounts payable to the petitioner as per the extant rules within a period of two months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

09-03-2026

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

To
1. Secretary,
The Government Of Tamilnadu
Higher Education Department, Fort St. George, Chennai-600 009.

2. Registrar,
The University Of Madras,
Centenary Building, Chepauk,
Chennai-600 005.

3. The Nodal Officer, University Of Madras
Centenary Building, Chepauk,
Chennai-600 005.



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