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W.P.No.1831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.1831 of 2024
And
W.M.P.No.1902 of 2024**

S.Mohanambal

... Petitioner

Vs.

1.M/s.Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu,
Chennai – 600 107.

2.The Managing Director,
M/s.Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondent the proceedings No. Pension-1/51227/2019 dated 04.07.2023 and to quash the same.

For Petitioner : Mr.John Zachariah
For Respondents : Mr.V.Lokesh
Standing Counsel



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the respondent proceedings No. Pension-1/51227/2019 dated 04.07.2023 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband joined the respondent Board as Assistant Engineer on 05.12.1979. While he was to retire on 30.09.2013, he was issued with a charge memo on 25.09.2013 alleging some misconducts that occurred during the period between 23.11.2009 and 11.05.2012 and he was suspended from service on 26.09.2013 and was not allowed to retire. The learned counsel further submitted that after conducting enquiry, the Enquiry Officer found that the petitioner's husband was not guilty and even thereafter, the respondents did not permit the petitioner's husband to retire and hence, he filed W.P.No.16220 of 2019 and pursuant to the order of this Court dated 17.12.2021 in the said writ petition, the respondents vide Board Memo dated 21.03.2022 disagreed with the findings of the Enquiry Officer and called upon the petitioner's husband to submit his explanation.



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3.The learned counsel appearing for the petitioner further submitted that thereafter, the petitioner submitted his reply and also made representation to the respondents seeking to drop the charges and pay him his retirement benefits, however, the respondents vide proceedings dated 27.01.2023 awarded the punishment of pension cut of Rs.100/- per month for a period of one year from 01.01.2023 to 31.12.2023; direction to recover Rs.25 Lakhs from his retiral benefits; to treat the period of suspension as leave against his eligible leave and to have deemed to reinstate him in service on 30.09.2013 and permitted to retire on the same day and aggrieved by the same, the petitioner's husband preferred appeal before the first respondent and the same is pending.

4.The learned counsel appearing for the petitioner further submitted that the alleged loss sustained by the Housing Board was recovered from the purchasers of the property and hence there is no loss for the Housing Board and hence the impugned order ordering recovery of Rs.25 Lakhs is not sustainable one.

5.The learned Standing Counsel appearing for the



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respondents submitted that the respondent Board vide proceedings dated 27.01.2023 awarded a punishment of pension cut of Rs.100/- per month for a period of one year besides recovery of Rs.25 Lakhs from the retirement benefits of the petitioner's husband for the loss caused to the respondent Board. The period of suspension was treated as leave to which he is eligible leave. Further, he was deemed to have been reinstated into service on the date of superannuation on 30.09.2013 and was deemed to have been permitted to retire from service on 30.09.2013. He further submitted that Administrative Approval was accorded by the Administrative Wing of the respondent Board on 10.04.2023 for payment of pension and pensionary benefits and consequently, pension and other pensionary benefits were sanctioned to the petitioner's husband vide proceedings dated 04.07.2023, unfortunately, he died on 01.08.2023.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Perusal of records disclose that the petitioner's husband joined the respondent Board as Assistant Engineer on 05.12.1979. While he was in service three disciplinary proceedings were initiated



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against him, first disciplinary proceedings was initiated during the year 2003; second disciplinary proceedings was initiated in the year 2006 and both the disciplinary proceedings were quashed by this Court in W.P.Nos.16224 and 16227 of 2019 vide orders dated 13.07.2022 and third disciplinary proceedings was initiated in the year 2013.

8.While the petitioner's husband was to retire on 30.09.2013, he was issued with the charge memo on 25.09.2013 and his service was retained under Section 56 (1) (c) of the Fundamental Rules and after enquiry, the respondents vide proceedings dated 27.01.2023 awarded the punishment of pension cut of Rs.100/- per month for a period of one year besides recovery of Rs.25 Lakhs from the retirement benefits of the petitioner's husband for the loss caused to the respondent Board. The period of suspension was treated as leave to which he is eligible leave. Further, he was deemed to have been reinstated into service on the date of superannuation on 30.09.2013 and was deemed to have been permitted to retire from service on 30.09.2013.

9.This writ petition has been filed challenging the order of recovery of Rs.25 Lakhs from the petitioner's husband's retirement



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benefits. Perusal of records disclose that the alleged loss sustained by the Housing Board was recovered from the purchasers of the property and hence there is no loss for the Housing Board and hence the impugned order ordering recovery of Rs.25 Lakhs is not sustainable one.

10.Hence, this Court directs the respondents to settle the amount of Rs.25 Lakhs to the petitioner without any interest, within a period of four weeks from the date of receipt of a copy of this order. Though the punishment order has not been challenged in this writ petition, inorder to render substantial justice, this Court directs the respondents to settle the terminal benefits and other benefits due to the petitioner's husband in favour of the petitioner.

11.The writ petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

06.01.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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