



WEB COPY

WP No. 50557 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No.50557 of 2025 and WMP.Nos.56612 & 56614 of 2025

A.R.V. Kalidass
S/o.Velusamy, No.22-A, Keel Thindal,
Near Mariamman Koil, Thindal Post,
Erode District-638 012

Petitioner(s)

Vs

1. The Director
I.R.T. Perundurai Medical College and
Hospital, Perundurai, Erode District.

2.the Deen
I.R.T. Perundurai Medical College and
Hospital, Perundurai, Erode District.

Respondent(s)

PRAYER

Writ Petition filed under Section 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Letter No.570/U4/ Sa Po Ni/ 2006 dated 05.05.2025 and order No.570/ U4/ Sa Po Ni/ 2026 dated 10.10.2025 passed by the 1st respondent and the consequential order passed by the 2nd respondent in order No.672/Ni3/ 2025 dated 01.07.2025 and the original order of punishment dated 13.06.2011 passed by the 2nd respondent in Se Mu Aa No.62/E3/ Sa Po Ni/ Pe Ma Ka/ 2005, quash the same and consequently, direct the respondents to restore the increments withheld, to regularise the period of suspension as duty with pay and to grant



the petitioner selection grade and special grade w.e.f 01.04.2007 and 01.04.2017 with all consequential and monetary benefits and to refund a sum of Rs.8,850,98/- which was recovered from the petitioner with interest at the rate of 12 % per annum.

For Petitioner(s): Ms.V.Porkodi

For Respondents: Mr.K.Tippusulthan
Government Advocate

ORDER

This Writ Petition has been filed seeking quashment of the impugned orders vide Letter No.570/U4/ Sa Po Ni/ 2006 dated 05.05.2025, order in No.570/ U4/ Sa Po Ni/ 2026 dated 10.10.2025 and the consequential order passed by the 2nd respondent in order No.672/Ni3/ 2025 dated 01.07.2025 and the original order of punishment dated 13.06.2011 passed by the 2nd respondent in Se Mu Aa No.62/E3/ Sa Po Ni/ Pe Ma Ka/ 2005, and consequently, direct the respondents to restore the increments withheld, to regularise the period of suspension as duty with pay and to grant the petitioner selection grade and special grade w.e.f 01.04.2007 and 01.04.2017 with all consequential and monetary benefits and to refund a sum of Rs.8,850,98/- which was recovered from the petitioner with interest at the rate of 12 % per annum.

2. Mr.K.Tippusulthan, learned Government Advocate takes notice on behalf of the respondents. In view of the consent expressed by the learned



counsel on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. The case of the petitioner is that on 01.06.1995, the petitioner joined as Pharmacist in the respondent Medical College and he was issued with a charge memo dated 25.04.2005, for his misconduct and the explanation for same was given by the petitioner. Based on the said charge memo, the respondents conducted a domestic enquiry and a report was submitted by the Enquiry Officer on 31.07.2005. Subsequently, the respondents issued a show cause notice dated 22.11.2010, calling the petitioner to give explanation on the enquiry report. After submission of the explanation, the respondents issued a second show cause notice dated 22.02.2011 and the explanation for the same was given by the petitioner. Consequently, on 13.06.2011, the second respondent passed an order of punishment, withholding increment for a period of two years with cumulative effect. Aggrieved by the said punishment order, the petitioner preferred an appeal before the first respondent and on 21.12.2011, the appeal came to be rejected. Challenging the said order, the petitioner filed a Writ Petition in W.P.No.32743 of 2012 and this Court vide order dated 13.08.2024, set aside the order of the first respondent and granted liberty to the petitioner to file a fresh appeal before the Appellate Authority. Pursuant to which, the petitioner filed an appeal before the first respondent, seeking regularization of his suspension period and quashment of the punishment order.



However, the first respondent passed the impugned order dated 05.05.2025, whereby, only the suspension period of the petitioner was regularized.

Subsequently, a consequential order dated 01.07.2025 passed by the second respondent, confirming the order of the first respondent. Challenging the impugned orders, the petitioner has filed this Writ Petition.

4. Learned counsel for the petitioner submitted that when the punishment order was passed by the second respondent, imposing punishment of withholding increment for two years with cumulative effect, the same was challenged by way of an appeal before the first respondent and the first respondent rejected the same. He submitted that though this Court in W.P.No.32743 of 2012, set aside the order of the first respondent and granted liberty to the petitioner to file a fresh appeal before the Appellate Authority, when the petitioner filed the appeal before the first respondent, the first respondent, without considering the punishment order, only regularized the suspension period. He further submitted that the petitioner retired from service on 31.12.2025, on reaching the age of superannuation. However, terminal benefits have not been settled to him as on date. Hence, the learned counsel prayed for disbursal of the same.

5. Mr.K.Tippusulthan, learned Government Advocate appearing for the respondents fairly submitted that though this Court, by order dated



13.08.2024, had set aside the order passed by the first respondent and granted liberty to the petitioner to make a fresh application before the Appellate Authority, the first respondent has considered only the issue relating to regularization of the suspension period and has not adjudicated upon the punishment imposed by the second respondent vide order dated 13.06.2011. He, therefore submitted that this Court may issue a direction to the first respondent to consider and decide the punishment order dated 13.06.2011 and pass orders within a time frame to be stipulated by this Court.

6. In view of the fair submission made by the learned Government Advocate, this Court directs the first respondent to re-consider the appeal dated 19.02.2025 filed by petitioner and decide the issue as regards the punishment order dated 13.06.2011 and pass appropriate orders on the same in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and any other interested parties.

7. Since the petitioner has not been disbursed the terminal benefits till date as he retired on 31.12.2025, this Court directs the respondents to settle the terminal benefits of the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order.



8. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

05-01-2026

Anu

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Director

I.R.T. Perundurai Medical College and
Hospital, Perundurai, Erode District.

2. the deen

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Hospital, Perundurai, Erode District.



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