



Cont.P(md)No.34 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:24.02.2026

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

AND

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

Cont.P(MD)No.34 of 2024

in

W.A(MD)No.25 of 2020

Mr.M.Pugalendran

... Petitioner /Respondent

Vs.

1.Mr.K.Manivasan,
The State of Tamil nadu,
The Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.Mr.K.V.Muralidharan,
The Commissioner,
HR&CE Department
119, Uthamar Gandhi Salai,
Chennai-600 034.

...Contemnors/Appellants

Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the contemnors/respondents herein for their wilful and wanton disobedience of the order passed by this Court in W.A(MD)No.25 of 2020



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dated 16.12.2022 confirming the order passed in W.P(MD)No.2580 of 2017
dated 20.11.2019.

For Petitioner : Mr.C.Arul Vadivel @ Sekar,
Senior Counsel
for Mr.G.R.Gokul Abimanyu
For Respondent :Mr.Veera Kathiravan, AAG,
assisted by Mr.J.Ashok, AGP

ORDER

(Order of the Court was delivered by DR.G.JAYACHANDRAN,J.)

The Writ Petition is filed by one Pugalendran, Joint Commissioner of HR&CE Department, challenging the G.O.Ms.No.18, Tourism, Culture and Endowments(A.Ni 2-2) dated 02.02.2017 to quash the same and direct the respondents to permit the petitioner to retire from service with all consequential benefits, was considered by the learned single Judge and allowed on 20.11.2019.

2.Taking note of the fact that the action of the writ petitioner in appointing office bearers or servants in the religious institution without getting prior permission from the Commissioner and by following a repealed Government order does not warrant the capital punishment. Challenging the same, the HR&CE department preferred a writ appeal in W.A(MD)No.25 of 2020 and considering the facts, the Division Bench dismissed the said writ appeal.



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3.It is further reported that against the order of the Division Bench, SLP was preferred by the Department before the Hon'ble Supreme Court and the same was also dismissed. After the said development, the said Pugalendiran has filed contempt petition alleging that the judgment of the learned single Judge, confirmed by the Division Bench, not been complied with by the respondents.

4.The learned counsel appearing for the contempt petitioner/writ petitioner submitted that there is no reason to withhold the permission to retire from service and to pay the necessary retirement benefits, despite the order passed by the Division Bench. However, the contemnor citing the pendency of a criminal case and the other 7 charges which has been dropped after the retirement benefits are withheld by the department.

5.According to the learned counsel for the contemnor that once the dropped charges cannot be revived and in so far as the criminal case referred by the learned Additional Advocate General is concerned, he submitted that the petitioner to quash the case taken on cognizance in S.S.C.No.2 of 2024 on the file of the learned Chief Judicial Magistrate, Nagercoil, in admitted and interim protection to keep the further proceedings in abeyance been ordered.



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6.As a clarification, the learned Additional Government Pleader submitted that the seven charges framed against the petitioner were closed, and separate departmental proceedings have been initiated and when it was challenged by the writ petitioner taking note of the order passed in the writ petition challenging the removal from service. In all sense, the seven Disciplinary Proceedings are still alive and only the writ petition was closed. Insofar as the criminal case pending against the writ petitioner is concerned, the learned Additional Advocate General submitted that necessary steps have been taken to dispose of the criminal original petition. In any event, the pendency of the criminal case the standalone sufficient to deny the permission to the writ petitioner from attaining superannuation.

7.This Court, on considering the order passed by the learned single Judge, which was confirmed by us in appeal clarified that the order passed by us not even implicitly allow the writ petitioner to retire from service. We found infirmity in the order of removal from service and therefore, interfere with and quash the G.O. The writ petitioner, who is facing 7 other disciplinary proceedings and the criminal case, cannot seek as a matter of right to retire from service. The only protection to him available in the Statute is to get subsistence allowance as per the rules during the period of suspension.



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8.Hence, we dismissed the contempt petition as devoid of merits and if no request for subsistence allowance is made by the writ petitioner, the respondent shall consider his application if any within a period of 30 days from the date of receipt of application for subsistence allowance and pass appropriate orders in accordance with law. If the Service Law of the HR&CE Department provides any other benefits for an employee under suspension, it is open for the writ petitioner to seek for that benefits also.

[G.J., J.] & [K.K.R.K., J.]
24.02.2026

Index :Yes/No
Internet :Yes
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To

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Secretariat, Chennai-600 009.

2.The Commissioner,
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