



W.P.(MD) No.18110 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18110 of 2026

and

W.M.P.(MD) Nos.13418 & 13420 of 2026

S.Murugesan

... Petitioner

-vs-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Special District Revenue
Officer (Land Acquisition)
SIPCOT Unit-II, Sattur
Virudhunagar District

3.The Special Thasildar
(Land Acquisition)
SIPCOT Unit-II, Sattur
Virudhunagar District

4.The Thasildar
Office of the Thasildar
Virudhunagar
Virudhunagar District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned charge memo dated 30.05.2023 in Na.Ka.No.A5/5957/2022, passed by the first respondent and quash the same as illegal and consequentially direct the respondents to terminate the departmental enquiry and disburse the retirement and pension benefits by considering the petitioner's representations dated 22.08.2023, 22.09.2023, 28.12.2023 and 18.11.2024 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mrs.K.Porkodi
Counsel for the Government

ORDER

Mrs.K.Porkodi, learned counsel for the Government, takes notice for the respondents.

2. With the consent of both sides, this writ petition is disposed of at the admission stage.



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3. This writ petition has been filed challenging the charge memo vide Na.Ka.No.A5/5957/2022, dated 30.05.2023, issued by the first respondent, on the ground that the petitioner has been permitted to retire from service and therefore, the disciplinary proceedings that were initiated against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules cannot be continued and the respondents can only take action under the Tamil Nadu Pension Rules, 1978.

4. This Court, after having heard the learned counsel for the petitioner at length and perusing the materials available on record, is not convinced with the submissions made by the learned counsel for the petitioner. The disciplinary proceedings that were initiated against the employee under the Tamil Nadu Civil Services (Discipline and Appeal) Rules while he was in service would automatically continue under Rule 9 of the Tamil Nadu Pension Rules, 1978, even on the employee retiring from service. There cannot be any embargo from continuing the disciplinary proceedings under the Tamil Nadu Pension Rules, 1978, on the retirement of the employee from service. Therefore, this Court is not inclined to interfere with the impugned charge memo.



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5. Further, the impugned charge memo has been issued as early as on 30.05.2023 and the petitioner has approached this Court after a lapse of three years by filing this writ petition. As contended by the learned counsel for the Government appearing for the respondents, pursuant to the impugned charge memo, an Enquiry Officer was appointed and the enquiry proceedings were concluded and final orders are going to be passed within a short span of two or three weeks. For that reason also, this Court is not inclined to interfere with the impugned charge memo.

6. However, the only contention that needs attention of this Court is that the petitioner, who retired from service as early as on 31.05.2023, has not been paid the terminal benefits nor the provisional pension as on date. In the circumstances, this Court is of the considered view that there is no justification on the part of the respondents in withholding the provisional pension, which the petitioner is otherwise entitled to under the Tamil Nadu Pension Rules, 1978, notwithstanding the continuance of the disciplinary proceedings initiated against him, while he was in service.



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7. In the light of the above, while declining to interfere with the impugned charge memo dated 30.05.2023, issued by the first respondent, this Court directs the respondents to release the provisional pension payable to the petitioner from the date of his retirement till date and pay the entire arrears as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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Virudhunagar District,
Virudhunagar.



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MUMMINENI SUDHEER KUMAR, J.

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