

WP.(MD)No.35873 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2026

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.35873 of 2025

E.Gnanasekar

... Petitioner

Vs.

The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District-628 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent to disburse the retirement benefits and the arrears of pension to the petitioner after deducting the amount of Rs.7,85,679/- sought to be recovered from the petitioner vide order dated 30.06.2021 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondent : Mr.N.Anandhakumar,
Standing Counsel.

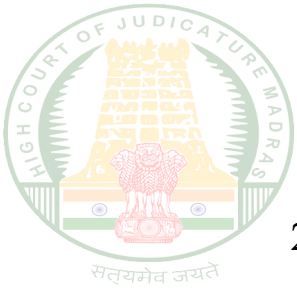


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ORDER

The petitioner is an employee of the Thoothukudi Corporation. He served as Assistant and attained superannuation on 31.05.2022. However, he was not allowed to retire, in view of the disciplinary proceedings pending as against the petitioner. In conclusion of the disciplinary proceedings, he was held responsible for a sum of Rs.7,85,679/- and it was ordered to be recovered from the petitioner. As against the said order dated 30.06.2021, the petitioner has filed a writ petition in WP.(MD)No. 11603 of 2021 and the same was allowed by this Court. However, the Division Bench has remanded the matter back for fresh consideration in the writ petition and the writ petition is still pending. While so, the petitioner is now paralyzed and bedridden and therefore, the petitioner has approached this Court seeking for the retirement benefits, after deducting a sum of Rs.7,85,679/-, which is the subject matter in WP.(MD)No.11603 of 2021.



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2.The learned Standing Counsel appearing for the respondent, by referring to the proceedings dated 31.12.2025 submits that the petitioner is deemed to have been retired from service on 31.05.2022 and he would be paid General Provident Fund and provisional pension. However, other retirement benefits would be sanctioned after the disposal of the writ petition in WP.(MD)No.11603 of 2021 and after deducting financial loss caused by the petitioner.

3.This Court has considered the submissions made on either side and perused the available materials on record.

4.The petitioner was found guilty and was held responsible for a sum of Rs.7,85,679/-, which is subject matter in WP.(MD)No. 11603 of 2021. Though the writ petition was initially allowed, it has been remitted back by the Division Bench and it is yet to be decided by the writ Court. In view of his physical condition that he is affected with paralysis, he is in need of money for his



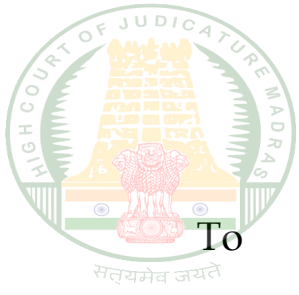
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treatment. He has also given an undertaking that he is not having any objection to deduct a sum of Rs.7,85,679/- and he also undertook to withdraw the writ petition in WP.(MD)No.11603 of 2021.

5.In view of the above, this writ petition is allowed with a direction to the respondent to deduct a sum of Rs.7,85,679/- from the retirement benefits of the petitioner, which is the subject matter of WP.(MD)No.11603 of 2021 and settle the remaining retirement benefits to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

06.01.2026

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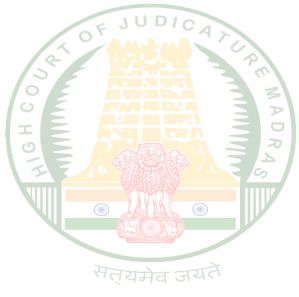


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