

W.P.(MD)No.24101 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.24101 of 2025

and

WMP(MD).Nos.18908 & 18910 of 2025

Srinivasan

...Petitioner

Vs

1. The Director,
Treasury and Accounts Department,
Professor K.Anbazhagan building,
3rd floor, 571, Anna Salai Nandanam,
Chennai-600 035.

2. The Treasury Officer,
District Treasury Office,
District Collector Office Campus,
Virudhunagar, Virudhunagar District-626 001.

3. The Assistant Treasury Officer,
Subordinate Treasury,
Srivilliputhur, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent vide proceedings in Ka.Mu.105/2025/A1 dated 07.07.2025 and quash the same as illegal and consequently direct the Respondent Nos.1 to 3 to pay the monthly pension to the petitioner from March, 2024 to till date and continuously pay the same to the petitioner.



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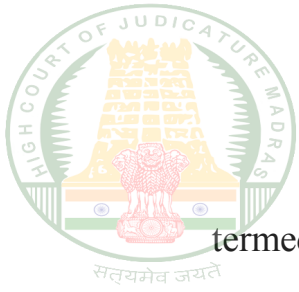
For Petitioner : M/s.R.Karunanidhi

For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 3rd respondent vide proceedings in Ka.Mu.105/2025/A1 dated 07.07.2025 and seeking consequential direction to the Respondent Nos.1 to 3 to pay the monthly pension to the petitioner from March, 2024 to till date and continuously pay the same to the petitioner.

2. The learned Counsel for the petitioner would submit that the petitioner had superannuated from service in the police department and he had been receiving pension. The petitioner was inflicted with the punishment under 138 of Negotiable Instruments Act, for which he had suffered with an order of conviction. Under the impugned order, by invoking the provision under Rule 8 of TamilNadu Pension Rules, 1978, pension had been stopped without offering an opportunity to the petitioner. He relied upon the judgement of this Court in W.P.(MD).No. 5002 of 2024 dated 05.09.2024, to contend that conviction for the offence under section 138 of Negotiable Instruments Act cannot be



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termed as a punishment for an offence involving moral turpitude and therefore he would submit that no action can be initiated for the conviction suffered by the petitioner under the Negotiable Instruments Act to withhold his pension that too without following the due process of law. Therefore, he seeks to set aside the order passed by the second respondent herein.

3. Countering his argument, the learned Special Government Pleader appearing for the respondents would submit that the petitioner has been repeatedly convicted for the offences under section 138 of NI Act which would amount to grave misconduct. He would submit that it is not disputed by the petitioner that he had not been convicted and he had also admitted his conviction and therefore by invoking the provisions of Rule 8 of the TamilNadu Pension Rules which envisaged that the pensioner should have good conduct and if good conduct is not shown the pension could be stopped. The petitioner having involved in three cases under the Negotiable Instruments Act had committed a grave misconduct which also ended in conviction and therefore, there is no error in the order impugned herein. He further submits that in the present case, no enquiry is also required as it is proved case that the



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petitioner had suffered with an order of conviction. Therefore, he prays to dismiss the present writ petition.

4. I have considered the submissions made on either sides and carefully perused the material available on record.

5. Admittedly, the petitioner had been convicted under the provisions of Section 138 of Negotiable Instruments Act. This Court in WP.(MD).No.5002 of 2024 dated 05.09.2024 had considering various judgements of the Hon'ble Apex Court, the Division Bench of this Court had given a categorical finding that a conviction under Section 138 of Negotiable Instruments Act cannot be termed as an offence, involving moral turpitude and held that the charge memo issued on that ground against the petitioner therein as unseasonable. The Pension rules provides that a person failure to have future good conduct would disentitle him from receiving the pension. Section 138 of Negotiable Instruments Act arises out of contractual dispute between the parties. Involvement cannot be said to be an offence which affect the conduct of the person. Such conduct cannot be also implied to affect his good conduct. This Court also finds no reason to differ with the view taken by



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the learned Judge in the aforesaid judgement to hold that the petitioner's conduct can be said to be not good to deny the pension.

6. In such view of the matter, the impugned order herein is quashed and the respondents are directed to release the pension to the petitioner and also pay the arrears of pension if any within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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K.KUMARESH BABU, J.

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To:

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