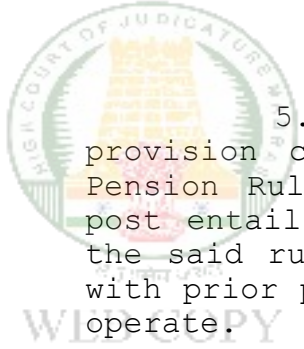




5. At the outset, the appellant has omitted to take note of the provision contained in the statutory rules. Rule 23(1) of Tamil Nadu Pension Rules, 1978 makes it clear that resignation from a service or post entails forfeiture of past service. There is only one exception to the said rule. If the resignation is for taking up another appointment with prior permission, the forfeiture stipulated in Sub Rule (1) will not operate.

6. The case of the appellant is not that he resigned for taking up another appointment. Therefore, his past service upon resignation got forfeited.

7. Learned counsel for the appellant relies upon two decisions of two Division Benches. But unfortunately, both of those decisions are not applicable to the case on hand. The very claim of the appellant is for payment of pension as per the Tamil Nadu Pension Rules, 1978. Therefore, he must establish as to how his case would fall under the proviso to Rule 23(1). Once this is not done, the forfeiture operates. Hence, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar.

To

1. The Principal, Coimbatore Medical College Hospital,
Coimbatore 18.

2. The Accountant General (Accounts & Entitlements)
Tamil Nadu Office, 361, Anna Salai, Chennai-18

+1CC to Mr. R. Vijayakumar, Advocate, SR.No. 68013

+1CC to The Special Government Pleader SR.No. 67959.

Writ Appeal (MD) No. 1254 of 2015
26.11.2015

AM/04.12.2015/NGM.SS/2P/5C