



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.13096 of 2014
and M.P. (MD) Nos. 1 and 2 of 2014

C.Nagarajan ... Petitioner
-Vs-

1.The District Collector,
Kanyakumari District at
Nagercoil.

2.The Chairman,
Nagercoil Municipality,
Kanyakumari District at Nagercoil.

3.The Commissioner,
Nagercoil Municipality,
Kanyakumari District at
Nagercoil.

4.K.Rajan ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the third respondent in Na.Ka.No.2796/2014 H1 dated 17.06.2014 and quash the same and consequently direct the second and third respondents to reinstate the petitioner into service in the post of Sweeper in the Office of the Municipal Commissioner, Nagercoil and also to regularise the services of the petitioner from 16.02.2014 within the time stipulated by this Court.

For Petitioner	: Mr.R.Krishnasamy
For R1	: Mr.S.Dhayalan Government Advocate
For R2 &3	: Mr.P.Athimoolapandian
For R4	: No appearance

O R D E R

The order dated 17.06.2014 states that the writ petitioner submitted a letter of resignation on 03.02.2014 and the said



resignation letter was accepted by the respondents. Thereafter, the writ petitioner remained unauthorizedly absent and accordingly, the resignation was accepted and the petitioner was relieved from service.

2. This Court is of the considered opinion that once the resignation was accepted by the competent authority, thereafter the employee cannot seek any relief of pension or other benefits. Whatever benefits contributed and as applicable under the Tamil Nadu Pension Rules is alone to be settled. However, the petitioner is not entitled for any other service benefits as the resignation amounts to forfeiture of the past service as per Rule 23 of Tamilnadu Pension Rules, 1978.

3. Thus the writ petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected M.P (MD) Nos.1 and 2 of 2014 are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To,

1.The District Collector, Kanyakumari District at Nagercoil.

2.The Chairman, Nagercoil Municipality, Kanyakumari District at Nagercoil.

3.The Commissioner, Nagercoil Municipality, Kanyakumari District at Nagercoil.

+1cc to M/s.Special Government Pleader, SR.No. 73904

W.P. (MD) Nos.13096 of 2014
and M.P. (MD) Nos. 1 and 2 of 2014
05.07.2019

CM

KK/SAR/18.07.2019/2P-5C

—