



WEB COPY



W.P.Nos.6483 of 2022 & 21148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.6483 of 2022 & 21148 of 2023 &

WMP.No.6570 of 2022

R.Nagarajan

... Petitioner in both WPs

Vs

1. The Secretary,
PSG College of Arts and Science, Coimbatore – 641 014.
2. The Director of Collegiate Education,
College Road, Chennai – 600 008.
3. The Regional Joint Director of College Education,
Coimbatore Region, Race Course Road, Coimbatore – 641 018.
...Respondents in W.P.No.6483 of 2022
1. The Regional Joint Director of College Education,
Coimbatore Region, Race Course Road, Coimbatore – 641 018.
2. The Accountant General, Office of the
Principal Accountant General [Tamil Nadu],
Teynampet, Chennai – 600 018.
3. The Secretary,
PSG College of Arts and Science, Coimbatore – 641 014.
... Respondents in W.P.No.21148 of 2023



W.P.Nos.6483 of 2022 & 21148 of 2023

Prayer in W.P.No.6483 of 2022 :- Writ Petitions filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to relieve the petitioner on voluntary retirement from service from afternoon of 08.02.2022 and submit the proposal for terminal benefits to the third respondent and directing the first and fourth respondents to release forthwith the legally eligible Provisional Pension and Provisional Gratuity to the petitioner.

Prayer in W.P.No.21148 of 2022 :- Writ Petitions filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first and fourth respondents to release forthwith the legally eligible Provisional Pension and Provisional Gratuity to the petitioner

For Petitioner : Mr.R.Subramanian [in both WPs]

For Respondents : Mr.R.Bharandharan for R1 in WP.6483/22
for R4 in W.P.No.21148 of 2023

Mr.V.Jeevigiridharan AGP for R2 & R3
in W.P.6483/22 & R1 to R3 in WP.21148/23

COMMON ORDER

These Writ Petitions have been filed to direct the first respondent to relieve the petitioner on voluntary retirement from service from 08.02.2022 and submit the proposal for terminal benefits to the third respondent and to direct the first and fourth respondents to release forthwith the legally



W.P.Nos.6483 of 2022 & 21148 of 2023

eligible Provisional Pension and Provisional Gratuity to the petitioner.

WEB COPY

2. The case of the writ petitioner is that in the year 2021, the petitioner availed sick leave and had undergone heart surgery. Subsequently, he applied for Voluntary retirement on 10.11.2021. However, the same has not been considered by the respondent within a period of 90 days. Therefore, the petitioner has not been permitted by the respondents to retire from service even after expiry of notice period. Hence, the present Writ Petitions have been filed to relieve the petitioner on voluntarily retirement and to release his terminal benefits.

3. The learned Additional Government Pleader appearing for the respondents has not disputed the fact that the petitioner has undergone surgery. It is his contention that, even after he submitted application for voluntary retirement, the petitioner has worked for three days. Hence, his application for voluntary retirement could not be considered. The Government Pleader would contend that if the college sends the proposal, they will expedite the same and relieve the petitioner from 08.02.2022.



W.P.Nos.6483 of 2022 & 21148 of 2023

WEB COPY

4. The fact that the petitioner availed sick leave and has undergone surgery is not disputed. Availing of medical leave by the petitioner is not disputed. Merely because, the petitioner joined for three days and again availed medical leave, the same cannot be a ground to reject the voluntary retirement application submitted by the petitioner and to release the terminal benefits to the petitioner. The fact that the petitioner has given Voluntary Retirement on 10.11.2021 on health ground is not disputed by the college. Despite the same, no Orders have been passed. As per Fundamental Rules 56 [3] [f], if no orders either accepting or rejecting the Voluntary Retirement are issued before expiry of notice period, then there is deemed acceptance of such retirement. In such view of the matter, the first respondent shall send a proposal indicating that the petitioner had retired from service on the afternoon of 08.02.2022 to the second respondent within a period of one month from the date of receipt of a copy of this Order and on such receipt of the proposal, the first respondent shall pass Orders on the same within a period of one month thereafter.



W.P.Nos.6483 of 2022 & 21148 of 2023

5. With the above directions, the Writ Petition in W.P.No.6483 of 2022 is disposed of. Since the Writ Petition in W.P.No.6483 of 2022 is disposed of, no further Order is required in W.P.No.21148 of 2023 and the Writ Petition in W.P.No.21148 of 2023 is closed. Consequently, connected miscellaneous petition is closed. No costs.

14.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Secretary,
PSG College of Arts and Science, Coimbatore – 641 014.
2. The Director of Collegiate Education,
College Road, Chennai – 600 008.
3. The Regional Joint Director of College Education,
Coimbatore Region, Race Course Road, Coimbatore – 641 018.
5. The Accountant General, Office of the
Principal Accountant General [Tamil Nadu],
Teynampet, Chennai – 600 018.
5. The Secretary,
PSG College of Arts and Science, Coimbatore – 641 014.



WEB COPY



W.P.Nos.6483 of 2022 & 21148 of 2023

N.SATHISH KUMAR, J.

vrc

WP.Nos.6483 of 2022 & 21148 of 2023

14.08.2023