



W.P.No.19624 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.19624 of 2025

C.Lingasamy

... Petitioner

Vs.

1.The Additional Chief Secretary,
Government of Tamilnadu,
St.George Fort, Chennai-600009

2.The Director General of Police (Law and Order)
DGP Office, Rajaji Salai,
Mylapore, Chennai-600004

3.The Deputy Inspector General of Police,
Salem Range, Salem

4.The Superintendent of Police,
Namakkal District,
Thirucenkode Road,
Nammakkal-637003

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records and to quash the order passed by the Third Respondent in Na.Ka.Yen.Aa2/6856/2019 dated 27.12.2024 and direct the third respondent to issue an order to provide the 2/3rd Pension from the date of removal of service on 08.07.1999.



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For Petitioner : Mr.K.P.Sathish Kumar
For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the records and to quash the order passed by the 3rd respondent in Na.Ka.Yen.Aa2/6856/2019 dated 27.12.2024 and direct the third respondent to issue an order to provide the 2/3rd Pension from the date of removal of service on 08.07.1999.

2. The learned counsel for the petitioner would submit that the petitioner joined in Police Service as Police Constable Direct Grade 1 on 28.01.1972 and he was removed from service in the year 1999. However, on account of compassionate ground under Rule 40(1) of the Tamil Nadu Pension Rules, 1978, the petitioner was given compassionate allowance since 21.02.2022. It is the submission of the petitioner that such compassionate allowance has to be paid from 08.07.1999 and from the date of his removal. However, vide impugned order dated 27.12.2024, such request was rejected by the the 3rd respondent by quoting Rule 21 of the Tamil Nadu Pension Rules, 1978.

3. The learned Additional Government Pleader appearing for the



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respondents would submit that according to Rule 21 of the Tamil Nadu Pension Rules, 1978, if any persons dismissed or removed from service, then the employees' past service would be forfeited.

4. I have given my anxious consideration to the submissions made on either side.

5. Now, the only ground urged by the petitioner is that his compassionate allowance has to be paid since his date of original removal from service viz., from 08.07.1999. However, by way of an impugned order, the 3rd respondent has rejected the claim of the petitioner by quoting Rule 21 of the Tamil Nadu Pension Rules, 1978.

6. For ready reference, this Court deems it appropriate to extract Rule 21 of the Tamil Nadu Pension Rules, 1978:-

*“Rule 21. Forfeiture of service on dismissal or removal.-
Dismissal or removal of Government servant from a service or
post entails forfeiture of his past service.”*

7. According to the above rule, the allowance was not issued as a matter of right, but on compassionate humanitarian grounds. Further, if any



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Government Servant dismissed or removed from service or post, then his past service will be forfeited. In such view of the matter, though the petitioner was given a compassionate allowance during 2022, he cannot expect same compassion from his date of removal from service in view of the Rule 21 of the Tamil Nadu Pension Rules, 1978. Hence, this Court do not find any infirmity in the impugned order passed by the 3rd respondent in Na.Ka.Yen.Aa2/6856/2019, dated 27.12.2024.

8. In the result, the Writ Petition is dismissed. No costs.

19.06.2025

dm

Index : Yes/No

Speaking order

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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