



W.P.No.14655 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2025

C O R A M

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.No.14655 of 2025  
and W.M.P.Nos.16540, 16541 & 53970 of 2025

K..Chandra Sekaran

... Petitioner

Vs

1.The District Collector,  
Thiruvannamalai,  
Thiruvannamalai District.

2.The District Revenue Officer,  
O/o. The Collectorate Campus,  
Thiruvannamalai,  
Thiruvannamalai District.

3.The Revenue Divisional Officer,  
Thiruvannamalai,  
Thiruvannamalai District.

... Respondents

**PRAYER** : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus call for the records of the respondents in connection with the impugned order issued by the 2<sup>nd</sup> respondent in Letter No.A2/2435/2018 dated 03.05.2019, Ka.No.A4/13644/2018 dated 29.07.2019 and L.No.A4/13644/2018 dated 04.11.2024 and quash the same and further direct the 2<sup>nd</sup> respondent to reinstate the petitioner into service with all consequential and monetary benefits.



W.P.No.14655 of 2025

For Petitioner : Mr.Govardhan  
For M/s.Dhineshkumar Associates

For Respondents : Mr.P.Ganesan,  
Additional Government Pleader

### **ORDER**

Aggrieved by the orders passed by the respondents, thereby rejecting the claim of the petitioner for reinstatement, the petitioner is before this Court.

2. The petitioner, who was working as Village Administrative Officer in Modaiyur Village, Polur Taluk, Thiruvannamalai District, submitted a resignation letter dated 23.09.2011 to the District Revenue Officer, the 3<sup>rd</sup> respondent herein, stating that, certain individuals had compelled him to sanction old age pension to the ineligible persons. However, the petitioner was issued with charge memo under rule 17(a) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules on 06.07.2012. Though the petitioner submitted his explanation to the charge memo, no further orders were passed even after a lapse of two years from the date of resignation.

3. Assuming that his request for resignation had not been accepted by the respondents, the petitioner submitted a series of representations to the respondent authorities seeking transfer as well as the payment of arrears of salary by treating



W.P.No.14655 of 2025

the period of his absence as a duty period. However, neither any enquiry was conducted nor any orders were passed which prompted the petitioner to file a Writ Petition before this Court in W.P.No.4304 of 2019 seeking a direction to consider his representation dated 04.08.2018 seeking reinstatement into service however, instead of passing orders the District Collector, the 3<sup>rd</sup> respondent rejected the petitioner's claim by order dated 03.05.2011 on the ground that the petitioner's resignation was deemed to have been accepted and that order of acceptance was not necessary as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

4. Aggrieved thereby, the petitioner preferred an appeal before the 2<sup>nd</sup> respondent which was also rejected vide order dated 29.07.2018. Challenging the said rejection, the petitioner filed a revision before the 1<sup>st</sup> respondent. Since, the same was not considered, the petitioner filed another Writ Petition in W.P.No.25203 of 2019 wherein, a direction was issued to dispose of the review application dated 11.09.2024. Pursuant thereto, the said review application was rejected by the 1<sup>st</sup> respondent by order dated 04.11.2024. Aggrieved by which, the present Writ Petition has been filed.



W.P.No.14655 of 2025

5. Learned counsel appearing for the petitioner submitted that, as per Section 50 (4) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, the respondents are required to pass necessary orders upon being satisfied that the conditions stipulated therein are fulfilled. However, no such order was passed by the respondents authorities. In the absence of any such order either accepting or rejecting the petitioner's resignation, the petitioner is deemed to be continuing in service and therefore, refusing to reinstate the petitioner into service is wholly unsustainable.

6. In support of his contentions, the learned counsel for the petitioner, placed his reliance on the decision of the Hon'ble Supreme Court arising out of SLP.(C) No.15788 of 2021 in ***S.D.Manohara Vs. Konkan Railway Corporation Limited & Ors.*** reported in **2024 INSC 693**. Accordingly, he prayed for allowing the Writ Petition.

7. Per Contra, learned Additional Government Pleader appearing for the respondents reiterating the averments made in the counter affidavit submitted that the petitioner has submitted his resignation letter to the authority on 17.09.2012 as admitted by him, while disciplinary proceedings were pending against him. He further submitted that, the petitioner's resignation was deemed to



W.P.No.14655 of 2025

have been accepted as per Section 50 (1) (2) & (3) of Tamil Nadu Government Servants (Conditions of Service) Act 2016 and therefore, the contention of the petitioner that no order was passed on his resignation letter is not sustainable. It was further submitted that the petitioner, after tendering his resignation, did not approach the authority either for withdrawal of resignation or for reinstatement within the prescribed time and hence, the petitioner's subsequent request for reinstatement was rightly rejected by the respondent authorities. Accordingly, he prayed for dismissal of the Writ Petition.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. It is not in dispute that, the petitioner entered into service as Village Administrative Officer in the year 2009 and it is equally undisputed fact that the petitioner's service was regularized and probation was also declared and that he had been rendering service up to the year 2011. The main grievance espoused by the petitioner herein is that, even after a lapse of two years from the date of his resignation letter stated to have been submitted on 23.09.2011, no orders were passed on his resignation which is in violation of Section 50(4) of the Tamil Government Servants (Conditions of Service) Act, 2016 and accordingly, he



W.P.No.14655 of 2025

claims for reinstatement.

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10. The issue that arises for consideration is whether the petitioner's resignation, after a lapse of three months, can be treated as deemed resignation or necessary orders have to be passed in terms of Section 50(4) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

11. For better appreciation, Section 50 of the Act is extracted hereunder:-

*“Section 50(1) - A Government servant may resign his appointment by giving notice of not less than three months in writing direct to the appointing authority with a copy marked to his immediate superior office. The period of three months notice shall be reckoned from the date of receipt of such notice by the appointing authority.*

*(2) The Government servant may withdraw the notice of his resignation before its acceptance and withdrawal of resignation shall not be permitted after its acceptance by the appointing authority.*

*(3) The appointing authority shall issue orders on the notice of resignation before the date of expiry of notice, either accepting the resignation from a date not later than the date of expiry of the notice or rejecting the same, giving the reasons there for. If no such order is passed, the resignation shall be deemed to have been accepted on the expiry of the period of notice.*

*(4) Notice of resignation given by the Government servant shall be accepted by the appointing authority, subject to the conditions --*



WEB COPY



W.P.No.14655 of 2025

*(i) that no disciplinary proceeding is contemplated or pending against the Government servant concerned under sub-rule (b) of rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules:*

*(ii) that a report from the Director of Vigilance and Anti-Corruption has been obtained to the effect that no enquiry is contemplated or pending against the Government servant concerned;*

*(iii) that no dues are pending to be recovered by the Government from the Government servant concerned; and*

*(iv) that there is no contractual obligation of any kind including contractual obligation to serve the Government during the period in which the Government servant concerned seeks to resign.*

12. A perusal of the aforesaid provision makes it clear that a resignation can be tendered by giving notice of three months directly to the appointing authority. Sub-Section (2) thereof provides that such resignation may be withdrawn before its acceptance and Sub-Section (3) further stipulates that the appointing authority shall issue orders on the notice of resignation either accepting or rejecting the same before the expiry of the notice period, failing



W.P.No.14655 of 2025

which, the resignation shall be deemed to have been accepted.

WEB COPY

13. The facts in the present case reveals that the letter of resignation was submitted on 23.09.2011 and as per sub-section 50(1), the notice period of three months ends on 22.12.2011. There is a clear stipulation under sub-section (3) to section 50 that where no order is passed on the resignation, it is deemed to have been accepted. Therefore, for all purposes, on 22.12.2011, when no orders were passed on the said resignation, the resignation of the petitioner was deemed to have been accepted.

14. In this backdrop, the charge memo u/r 17(a) had come to be issued on 17.09.2012 for which the petitioner has submitted his explanation. If the petitioner had submitted his resignation and no orders having been passed on the same, the said resignation, as stated above, is deemed to have been accepted and such being the case, the charge memo issued u/r 17(a) is without jurisdiction or authority and, therefore, the said charge memo has no sanctity in the eyes of law.

15. Merely because the charge memo had been issued after a lapse of about 9 months from the date on which the resignation is deemed to have been accepted and the petitioner, without raising any questions on the charge memo, had

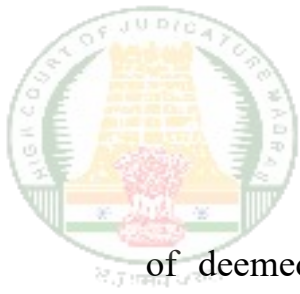


W.P.No.14655 of 2025

submitted his explanation, the petitioner cannot derive any advantage from the same and claim for reinstatement by claiming that no orders have been passed on the resignation submitted by him, as such a ground is not availing to the petitioner in view of the direct application of Section 50 (3) of the Act in and by which upon the lapsation of the period of three months, no orders passed on the resignation would be deemed acceptance of the resignation.

16. Even Section 50(4) would be of no avail to the petitioner as on the date of deemed acceptance of the resignation, no charges were pending against the petitioner and therefore, the petitioner cannot claim infraction of Section 50(4) to claim that he was in service as the charge memo was issued on 06.07.2012, but the petitioner's resignation was deemed to have been accepted on 22.12.2011.

17. Further, it is to be pointed out that even after the passage of three months from the date of submission of resignation and the resignation deemed to have been accepted, the petitioner had submitted representations for acceptance of his resignation, which clearly shows that the petitioner was inclined on proceeding with his resignation, which had already come into force by means of deemed acceptance u/s 50 (3) of the Act. The lacunae on the part of the respondents in issuing the charge memo after a lapse of 9 months from the date



W.P.No.14655 of 2025

of deemed acceptance of the resignation of the petitioner cannot be taken advantage of by the petitioner to claim that his resignation has not been accepted and, therefore, he should be reinstated in service.

18. Further, the decision relied upon by the learned counsel for the petitioner is not applicable to the facts of the present case as there is no withdrawal of resignation within the stipulated period of three months as contemplated under the statute and therefore, the subsequent claim of reinstatement cannot be accepted. Hence, this Court finds no infirmity in the impugned orders and therefore, the same does not warrant any interference.

19. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

15.12.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



W.P.No.14655 of 2025

WEB COPY

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WEB COPY



W.P.No.14655 of 2025

**M.DHANDAPANI, J**

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