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W.A No. 3222 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.3222 of 2025

and

C.M.P.No.26310 of 2025

1. The Government of Tamil Nadu
Represented by
The Additional Chief Secretary to Government
Youth Welfare and Sports Development Department
Secretariat, Chennai-600 009.
2. The Deputy Director General
National Cadet Corps Directorate
(Tamil Nadu, Pondicherry & Andaman Nicobar)
Fort St.George
Chennai-600 009.

..Appellants

Vs

1. T.V.Narayanan
No.22, Kurunji Ellam
R.Venkatachalam Nagar
SIHS Colony
Coimbatore - 641 014.
2. The Principal Accountant General
(Accounts & Entitlements), Tamil Nadu



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"Lekha Pariksha Bhavan"
361, Anna Salai, Teynampet
Chennai-600 018.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to allow the writ appeal and to set aside the orders passed in W.P.No.34314 of 2015 dated 24.07.2024.

For Appellants : Mr.E.Veda Bagath Singh
Special Government Pleader

For Respondents : Mr.J.Lakshminarayanan, for R1

J U D G M E N T

(Made by **HEMANT CHANDANGOUDAR, J.**)

The challenge in this intra-Court appeal is to the order dated 24.07.2024 passed by the learned Single Judge in W.P. No. 34314 of 2023. By the said order, the learned Single Judge set aside the order passed by the second appellant, whereby the request of the first respondent/writ petitioner seeking consideration of his case for grant of pensionary benefits on account of the service rendered prior to his resignation was rejected.

2. Facts of the Case:

2.1. The first respondent/writ petitioner was promoted as Assistant in the



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year 2000 and was transferred to 2 (TN) Battalion, NCC, Coimbatore, vide order dated 15.06.2005. While serving there, the writ petitioner's daughter met with a road accident on 09.08.2008, resulting in a blood clot in her head, which required continuous medical care. Consequently, the writ petitioner had to attend to his daughter's medical needs. On account of this situation, he developed hypertension and diabetes mellitus. He also underwent an appendicitis surgery on 31.08.2009.

2.2. Under these circumstances, the writ petitioner submitted his resignation letter dated 20.11.2009, stating that due to the frequent hospitalization of his daughter and his own deteriorating health, he was unable to concentrate on his official duties to his satisfaction and that of his superiors. The said resignation was accepted by the second appellant, and the writ petitioner was permitted to retire voluntarily. Thereafter, by his letter dated 19.11.2012, the writ petitioner requested that pensionary benefits be granted by taking into account the service rendered prior to his resignation. The said request was rejected, which led to the filing of the writ petition. The learned Single Judge, after hearing both sides, passed the impugned order. Hence, this appeal .

3. Heard Mr. E. Veda Bagath Singh, learned Special Government Pleader



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for the appellants/State, and Mr. J. Lakshminarayanan, learned counsel for the first respondent/writ petitioner.

4. Rule 23 of the Tamil Nadu Pension Rules, 1978 deals with “Forfeiture of service on resignation” and provides that resignation from service or a post entails forfeiture of past service.

5. The second appellant, by relying upon the said Rule, rejected the request of the writ petitioner. In identical circumstances, a Division Bench of this Court, in W.P. No. 13048 of 2006, by order dated 17.11.2008, held that while considering whether a person who resigns on account of ill health could be denied pensionary benefits under Rule 23, such a person ought to be extended the benefit, since otherwise, it would result in treating an employee resigning on account of ill health on par with one resigning due to misconduct. Such a construction would render Rule 23 vulnerable to challenge as being violative of Article 14 of the Constitution of India. It was further held that an employee who resigns due to ill health should be treated on par with employees covered by the proviso to Rule 23 of the said Rules, namely, those who have been permitted to resign to take up another appointment under the State.



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6. The aforesaid judgment of the Division Bench has attained finality and has been accepted by the appellants/State. The learned Single Judge, placing reliance on the said judgment, passed the impugned order permitting the writ petitioner to make a representation and directing the appellants to consider the same in accordance with law, keeping in view the Division Bench order dated 17.11.2008 in W.P. No. 13048 of 2006.

7. In light of the foregoing discussion, we find no illegality or infirmity in the order passed by the learned Single Judge, who rightly relied upon the decision of the Hon'ble Division Bench of this Court dated 17.11.2008 in W.P. No. 13048 of 2006. The writ appeal is devoid of merits and is, accordingly, dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

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Index : Yes / No

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**R. SURESH KUMAR, J.
and
HEMANT CHANDANGOUDAR, J.,**

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