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W.P.No.22030 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.12.2025**

**CORAM:
THE HONOURABLE MR. JUSTICE T.VINOD KUMAR**

**W.P.No.22030 of 2019
and W.M.P.No.21284 of 2019**

K.Ravi

.. Petitioner

vs

1.The Branch Officer,
Office of the Accountant General (A & E)
Tamilnadu Authorisation of revision of Pension/
Gratuity, Chennai.

2.The Joint Director of School Education
(Personnel Department)
Nungambakkam,
Chennai.

3.The Headmaster,
Government Higher Secondary School,
Kamalapuram,
Dharmapuri District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent made in proceedings P.10/4/11021995/ADK dated 26.07.2018 and quash the same and consequently direct the respondents to pay pension DCRG, commutation value pension to the petitioner within the stipulated time.

For Petitioner : Mr.N.Umapathi

For Respondents : Ms.Hema Muralikrishnan for R1
Ms.A.Bakkiyalakshmi for R2 and R3
Government Advocate



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ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials.

2. The petitioner by the present writ petition had sought for issuance of writ of certiorarified mandamus to call for the records of the first respondent in proceedings No.P.10/4/11021995/ADK dated 26.07.2018 and to quash the same with a consequential direction to the respondents to pay Death-cum-Retirement Gratuity (in short 'DCRG') and commutation value of pension to the petitioner.

3. The case of the petitioner in brief is that he was appointed as B.T.Assistant in the year 1998; that while working as B.T.Assistant, he had suffered ailment and was admitted to hospital and took treatment; that the petitioner thereafter was also not getting well and as such took continuous leave from 10.06.2008 to 06.08.2008 on loss of pay; and that he had submitted resignation on 26.10.2010 seeking permission to resign from the service, in order to contest in the MLC election.

4. It is the further case of the petitioner that though the respondents



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did not issue any letter accepting the resignation submitted by him, in the meantime, initiated disciplinary action under Rule 17(A) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (for short 'Rules') which on the petitioner submitting resignation has been converted into disciplinary action into Rule 17 (B) of the Rules; and that on account of pendency of disciplinary proceedings, the petitioner was not allowed to retire on medical grounds by accepting the resignation submitted by him.

5. The petitioner further contended that, the respondents thereafter dropped the disciplinary proceedings initiated in the year 2009 as the Enquiry Officer in his report stated that the charges were not proved.

6. The petitioner contended that the respondents thereafter accepted his resignation dated 26.10.2010 under Rule 41A of the Tamilnadu State and Subordinate Service Rules.

7. It is further the case of the petitioner that, though the petitioner submitted his resignation letter on 26.10.2010, the respondents accepted the said resignation only on 24.06.2016 after dropping of the disciplinary proceedings by the 2nd respondent by order dated 16.04.2016, petitioner



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contends that the respondents while considering the application submitted by him for payment of terminal benefits such as pension, DCRG, and commutation value of pension; and that the respondents by the impugned proceedings claimed that the aforementioned benefits stand forfeited as per Rule 23 of the Tamil Nadu Pension Rules, 1978, which action, it is contended is highly illegal and arbitrary.

8. In support of the aforesaid contention reliance is placed on the decision of Division Bench of this Court in the case of ***D.Vijayarangan vs. Secretary, Sales Tax Appellate Tribunal (Addl.Bench)*** reported in **2008 (6) CTC 700.**

9. The counter affidavit is filed on behalf of the 2nd respondent.

10. The respondents by the counter affidavit contended that initially disciplinary action was initiated against the petitioner on 25.09.2009 under Rule 17(A) of the Rules; that the petitioner did not turn up for duty from 10.06.2008 onwards; that he continuously applying leave on loss of pay, and did not turn-up for duty thereafter; that he had sent the



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resignation letter through Registered Post on 26.10.2010 w.e.f. 20.10.2010; that the petitioner also submitted further explanation dated 16.11.2010 to the 2nd respondent, in response to the charge memo issued under Rule 17(A), wherein he had stated that he had resigned his job on the afternoon on 20.10.2010 and going to contest in Tamilnadu Legislative Council Election (MLC) and requesting to accept his resignation; that the 2nd respondent thereafter issued another charge memo dated 28.12.2011 under Rule 17(b) of the Rules converting the charges already laid under the Rule 17(a) to be charges under 17(b) of the Rules; and that since, the charges now been converted into one under Rule 17(b) of the Rules for not turning up to duty for a long time from 10.06.2008 onwards and the petitioner having submitted his resignation which is accepted in terms of Rule 41(A) of Tamil Nadu State and Subordinate Service Rules, 1955, the service of the petitioner stands forfeited and as such, the petitioner is not entitled for being granted any benefit of pension and other benefits having given up the employment voluntarily.

11. On behalf of the respondents, it is further contended that since, the petitioner by resignation letter having specifically stated that he is tendering his resignation as he is going to contest in MLC election, the



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claim of the petitioner for considering his resignation as medical invalidation cannot be accepted.

12. I have taken note of the respective contentions urged.

13. Though the petitioner claims that he being forced to resign on account of his ill-health, no material is placed before the Court to demonstrate the petitioner having approached the respondent authorities prior to submitting resignation seeking for being referred to medical examination to ascertain his health condition, forcing him to give up his employment. On the other hand, a reading of the resignation letter submitted by the petitioner though shows that his absence for a period of one year was on account of he not maintaining his good health but reason for resignation being on account of he intending to contest as a Member of Legislative Council. The petitioner having submitted his resignation on a specific reason/ground, cannot alter the reason/ground to claim that the resignation submitted by him should be treated as on account of his ill-health, for the respondents to consider the resignation is due to medical invalidation, thereby, making him to entitled to get pensionary and other benefits.



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14. Though on behalf of the petitioner, it is contended that the respondents having not accepted the resignation letter dated 26.10.2010 submitted by him, till 2016, it is to be noted that a reading of Rule 41 (A) (c) of Tamilnadu State and Subordinate Service Rules, 1955, indicates that the resignation letter submitted would have to be treated as deemed to have been accepted on the expiry of notice period specified thereunder i.e., period of 3 months. Thus, even in absence of any formal letter by the respondents accepting the resignation letter being issued, the resignation letter submitted by the petitioner on 26.10.2010 would have to be construed as deemed to be accepted by the respondents in terms of Rule 41(A) (c) after expiry of 3 months as noted herein above. Thus, it is not open for the petitioner to contend that since, the dropping of the disciplinary proceedings, respondents having issued letter accepting his resignation from 26.10.2010 entitles him for pension and other benefits. The fact that the petitioner having given up his employment voluntarily but not on account of any medical invalidation, entitling him to claim pension and other benefits, on acceptance of resignation be it 'deemed' or otherwise results in forfeiture of his services, thereby, disentitling him from claiming any benefits under the Pension Rules. Thus, the action of the respondents in issuing impugned proceedings cannot be held to be



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unauthorised or illegal.

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15. In so far reliance is placed on the decision of the Hon'ble Division Bench is concerned, in the said case, resignation itself is on account of ill-health and medical grounds and therefore, the said decision would not advance the case of the petitioner.

16. Accordingly, this writ petition is devoid of merits and dismissed. No costs. Consequently connected miscellaneous petition is closed.

04.12.2025

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Index:Yes/No

Internet:Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No

To

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