



WEB COPY

W.A.No.2786 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.No.2786 of 2022

and

C.M.P.No.22639 of 2022

1. The Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Anna Salai,
Chennai - 2.

2. The General Manager,
Metropolitan Transport Corporation,
Pallavan House,
Anna Salai,
Chennai - 2.

..Appellants

Vs.

1. T.K.Thanigaivel,
Formerly Senior Assistant Engineer,
Metropolitan Transport Corporation,
Perambur Depot,
Chennai - 11.

2. The Deputy Manager (Pensions),
Metropolitan Transport Corporation,
Pallavan House,
Anna Salai,
Chennai - 2.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against



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W.A.No.2786 of 2021



the order dated 19.04.2022 made in W.P.No.41096 of 2016.

For Appellants

: Mr.Ramanlal,
Additional Advocate General
for Mr.A.Vinothraj

For Respondents

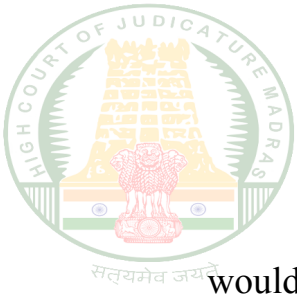
: Mr.A.R.Suresh for R1/Caveator

JUDGMENT

(The judgment of the Court was made by J.Nisha Banu,J.)

This Writ Appeal has been filed as against the order dated 19.04.2022 passed by this Court in W.P.No.41096 of 2016.

2. The petitioner, who worked as a Senior Assistant Engineer in the Transport Corporation, filed the above said Writ Petition seeking to quash the order passed by the 3rd respondent/ Deputy Manager (Pensions) and to direct the respondents to sanction pension and other terminal benefits taking into account his 27 years and 11 months of service within a stipulated period. The said writ petition was allowed by setting aside the order passed by the 3rd respondent and directed the respondents to treat the resignation of the petitioner as one of voluntary retirement with effect from the date of his relieving from service and to grant all pensionary benefits with arrears within four weeks. Aggrieved by the said order, the present writ appeal has been filed by the Transport Corporation.



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3. Learned counsel for the appellant/ Transport Corporation would state that once the resignation was accepted and the employee was relieved from service, he is not entitled to any pensionary benefits as the past services stood forfeited in terms of the rule position. However, the learned Judge allowed the writ petition treating the resignation of the first respondent as one of voluntary retirement. If the said order is allowed to operate against the Transport Corporation, it would cause irreparable loss and hardship. Therefore, he would pray to set aside the order passed in the writ petition.

4. Learned counsel for the 1st respondent would state that only after considering all the factual aspects of the case, the learned Judge considered the claim of the 1st respondent and allowed the writ petition. Therefore, the order passed by the learned Single Judge in the writ petition, needs no interference by this Court.

5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it is seen that the resignation letter and several representations submitted by the 1st respondent was due to medical reasons and not to escape from any disciplinary action to be



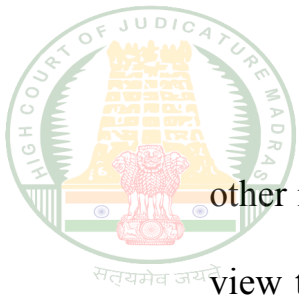
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initiated against him for any act of misconduct or to escape from tough task assigned to him in the course of employment. The Hon'ble Supreme Court has held that if the cause for resignation was ill-health, then the same would not entail forfeiture of past service.

7. Moreover, due to severe mental stress and for various reasons, the employees used to tender resignation unconsciously, without realising its ramifications, which ought to be appreciated by the employers with empathy. In the present case, if the resignation is accepted, it would result in losing the 1st respondent's past service i.e., 27 years of service in the Corporation and the retirement benefits.

8. Further, the resignation letter was dated 20.11.2013 and the 1st respondent worked till 04.12.2013 and was relieved on the same day, before one month period which was to expire on 20.12.2013. Therefore, the acceptance of the resignation itself is not valid in the eye of law. If the 1st respondent has not given voluntary retirement and his resignation is accepted, the 27 years of service put in by him will stand forfeited.

9. Further, in the impugned order, except stating that the 1st respondent has resigned and hence not entitled to pensionary benefits, no



W.A.No.2786 of 2021



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other reasons had been stated by the Corporation. Therefore, we are of the view that the writ Court has rightly directed the Corporation to treat the resignation of the 1st respondent herein as one of voluntary retirement with effect from the date of his relieving from service.

10. In view of the above, we find no infirmity or illegality in the order passed by the Writ Court and therefore, we are not inclined to interfere with the same. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]
21.08.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No



WEB COPY



W.A.No.2786 of 2021

J.NISHA BANU,J.
AND
M.JOTHIRAMAN,J.

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W.A.No.2786 of 2025

21.08.2025