



WP(MD). No.16575 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.16575 of 2025

and

WMP(MD)Nos.12601, 12602 & 18623 of 2025

Udhayakumar

... Petitioner

Vs.

1. The Director of Public Health
and Preventive Medicine,
Chennai - 600 006.

2. The Accountant General (A &E) Tamilnadu,
Chennai 600 018.

3. The Dean,,
Government Thoothukudi Medical College,
Thoothukudi.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in R.No.000143/DA/S1/2021-1 dated 29.05.2025 and R.No.000143/DA/S2/2021-2 dated 29.05.2025 passed by the 1st respondent quash the same and consequently direct the 1st respondent to permit the petitioner to retire from service with all service and monetary benefits.



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For Petitioner : Ms.C.Geetha

For Respondents : Mr.M.Siddarthan,
Additional Government Pleader for R1
: M/s.Chamundi Bose for R2

ORDER

This writ petition has been filed challenging the order passed in R.No.000143/DA/S1/2021-1 dated 29.05.2025 and R.No.000143/DA/S2/2021-2 dated 29.05.2025 passed by the 1st respondent and consequently direct the 1st respondent to permit the petitioner to retire from service with all service and monetary benefits.

2. The learned Counsel for the petitioner heavily relied upon the Government Order in G.O.Ms.No.47, Human Resources and Management (FR-III) Department dated 29.08.2025 and would contend that by amendment of the fundamental rules 56(1)(c) stood omitted and has been substituted with rule 56(1)(A), wherein, under the said proviso a Government Servant who had under suspension and not permitted to retain from service from the date of superannuation shall be deemed to have been retired from service on the respective date of superannuation and that the disciplinary proceedings if any pending against them shall be



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continued only under clause-A sub rule (2) of Rule 9 of the TamilNadu Pension Rules, 1978. He further referring the proviso rule 9(2) submits that if the departmental proceedings have not been instituted prior to the retirement, then only with the sanction of the Government, such departmental proceedings could be initiated and such departmental proceedings cannot relate to any incident which took place prior to four years before such institution. He further submits that in the present case, there is no departmental proceedings that has been initiated against the petitioner prior to the date of his superannuation (ie.on 29.05.2025) and therefore by applying amended rules, he would be deemed to have been retired from service and any disciplinary proceedings can only be initiated with the prior sanction of the Government. Hence, he prays to quash the order of suspension as well as retention of the petitioner in service and allow him to retire with effect from 31.05.2025 and disburse all the retirement benefits, including his pension.

3. Countering his argument, the learned the Additional Government Pleader appearing for the first respondent would submit that the petitioner had superannuated as early as in the month of May 2025



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and subsequent Government Order amending rule cannot be made applicable to him. He would further submit even assuming that the Government Order is applicable, the petitioner cannot be entitled for any terminal benefits as such disbursal would be subject to the disciplinary proceedings that would be initiated against the petitioner, as the amended rules would indicate that the disciplinary proceedings can be proceeded with under the provisions of the TamilNadu Pension Rules. Therefore, he submits that the relief sought for by the petitioner in the present writ petition could not be entertained.

4. I have considered the submissions made on either sides and carefully perused the material available on record.

5. Admittedly, the petitioner had attained the age of superannuation on 31.05.2025 and two days prior to the date of superannuation (ie. on 29.05.2025), the petitioner had been visited with the order of suspension and also an order not to permitting him to retire from service and he had been retained in service. After the impugned order had been passed, a Government Order in G.O.Ms.No.47, Human



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Resources Management Department dated 29.08.2025 have been issued whereby, the Government had amended the rules. Rule 56(1)(c) had been omitted and Rule 1A & 1B have been introduced. Rule 1A relates to a person who had attained the age of superannuation and entitled for the benefits under the Tamilnadu Pension Rules, 1978. Rule 1B relates to the employees who had reached the age of superannuation and entitled for pension under the new CPS Scheme. Admittedly, the petitioner was entitled benefits under the TamilNadu Pension Rules, 1978. By applying the amended rules particularly proviso Rule 1A which mandates that a person who had attained the age of superannuation but had been suspended and not permitted to retire and retained in service shall be deemed to have been retired from service on the date of their superannuation. However, the disciplinary proceedings ought to be initiated will be governed by the provisions of TamilNadu Pension Rule, 1978. In view of the amendment that had been made in the fundamental rules, the petitioner is deemed to have been retire from service. Therefore, the order that has been impugned in this writ petition would have to be set aside and the petitioner is deemed to have been superannuated. The claim of the petitioner for terminal benefits at this



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stage could not be entertained, as there is a right for the department to proceed as per the TamilNadu Pension Rules. As and when any disciplinary proceedings initiated in the manner known to law as envisaged under the amended rules, then the petitioner can make a claim for terminal benefits.

6. In view of the aforesaid findings and reasoning the writ petition is allowed. The petitioner is deemed to have been retired from service on the date of his superannuation i.e., 31.05.2025 and the respondents are directed to take a decision as to whether they proposed to proceed further with any disciplinary proceedings and if so they are directed to complete such disciplinary proceedings within a period of twelve months from the date of receipt of a copy of this order and if they decide not to proceed with the departmental proceedings, then the terminal benefits shall also be disbursed within a period of four weeks from the date of decision. No order as to costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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K.KUMARESH BABU,J.

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