



W.P.(MD)No.19865 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.19865 of 2025

and

WMP (MD) Nos.15307 and 15306 of 2025

E.Thamarai Selvi

: Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary
to Government,
Most Backward Class and
Denotified Communities Welfare
Department,
Secretariat,
Chennai - 6.

2. The Commissioner of Most Backward
Class and Denotified Communities
Welfare Departemnt,
O/o. Most Backward
Class and Denotified Communities
Welfare Department,
Chennai - 600 00.

3. The Joint Director Kallar Reclamation,
O/o. the Joint Director
Kallar Reclamation,
Near Anna Bus Stand,
Madurai - 625 020.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Se.Mu.No.B1/4326/2025 dated 11.07.2025 and quash the same as illegal and consequentially direct the respondents retire the petitioner from service with applicable monetary benefits pursuant to the application dated 10.03.2025 within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
M/s. Ajmal Associates
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The writ petition has been filed challenging the impugned proceedings dated 11.07.2025, whereby the petitioner's request for voluntary retirement from service was rejected and seeking a consequential direction to the respondents to allow the petitioner to retire from service with applicable monetary benefits pursuant to the application dated 10.03.2025, within a period to be stipulated by this Court.



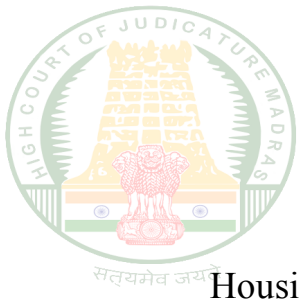
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2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submitted that the scheme of Voluntary Retirement is governed by the Fundamental Rules, particularly Rule 56(3)(e). The respondents have passed the impugned proceedings stating that the petitioner's request for voluntary retirement has been rejected on administrative grounds, which is in clear violation of the contingencies enumerated under Rule 56(3)(e) of the Fundamental Rules. He further submitted that a government servant, who has attained the age of 50 years or has completed 20 years of qualifying service is entitled to retire from service by giving not less than three months' notice and such notice shall be considered by the competent authority within three months from the date of its expiry. However, in the present case, the respondents have failed to consider the representation submitted by the petitioner. Having no other alternative, the petitioner has been constrained to file the present writ petition.

4. The learned counsel for the petitioner also relied upon the order of this Court dated 19.12.2017 [D.Manohar Paulraj v. Tamil Nadu



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Housing Board], wherein this Court has held as follows:

“4. As per the Fundamental Rule 56(3) (a)&(b), if a Government Servant, who intends to go on voluntary retirement on attaining the age of 50 years or on completion of 20 years of qualifying service, can give notice for not less than three months in writing and the period of three months notice shall reckon from the date of receipt of such notice by the appointing authority. Under Rule 56(3)(f), it is further stated that the appointing authority shall issue orders before the date of expiry of notice either accepting the voluntary retirement or not. Otherwise, the Government servant shall be deemed to have been retired voluntary from service at the end of the period of notice. For better appreciation, Clauses (a), (b) and (f) of Rule 56(3) of the Fundamental Rules are stated below:-

“56(3) Voluntary Retirement:--

(a) A Government servant who has attained the age of fifty-years or who has completed twenty years of qualifying service may retire from service



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by giving notice of not less than three months in writing direct to the appointing authority with a copy marked to his immediate superior officer for information. Before giving such notice, he may satisfy himself by means of a reference to such authority that he has completed the required number of years of qualifying service.

...

...

(b) The period of three months notice shall be reckoned from the date of receipt of notice by the appointing authority.

...

(f) The appointing authority shall issue orders before the date of expiry of notice either accepting the voluntary retirement or not. Otherwise, the Government servant shall be deemed to have been retired voluntary from service at the end of the period of notice. Provided that where a Government servant under suspension or against whom disciplinary or criminal action is pending,



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seeks to retire voluntarily, specific orders of the appointing authority for such voluntary retirement is necessary. The appointing authority may withhold the permission sought for by the Government servant, if any of the conditions specified in clause (e) are not satisfied.”

5. Besides, Fundamental Rule 563(e), which adumbrated five conditions for rejecting the request of the Government servant from going on voluntary retirement, is extracted below:-

“(i) that no disciplinary proceedings are contemplated or pending against the Government Servant concerned for the imposition of a major penalty;

(ii) that no prosecution is contemplated or pending in a Court of Law against the Government Servant concerned;

(iii) 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;



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(iv) that no dues which cannot be recovered from his Death-cum-Retirement Gratuity are pending to be recovered from the Government servant concerned; and

(v) that there is no contractual obligation to serve the Government during the period in which the Government servant concerned seeks to retire voluntarily.”

6. From the impugned order dated 05.07.2017, this Court is able to see that rejection is not based on any one of the five grounds stated in the said rule viz., Rule 56(e)(i) to (v). In the present case, neither contractual obligation is in existence between the petitioner and the respondents to serve the Government, nor pendency of criminal case nor pendency of disciplinary proceedings. In the impugned order rejecting his request, they have stated only administrative reason. The said reason does not find place as a ground for rejection in the above cited rule.”



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5. In response to the aforesaid submission, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner had submitted the application for Voluntary Retirement on medical grounds without furnishing any supporting documents, such as medical records, to substantiate her claim. Further, the learned Additional Government Pleader fairly submitted that the matter may be remanded back to the second respondent for reconsideration and that the second respondent will pass a fresh order within a specified time frame.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Upon considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader and taking into consideration of the order of this Court dated 19.12.2017, this Court finds it appropriate to set aside the impugned proceedings. Accordingly, the impugned proceeding dated 11.07.2025, is hereby set aside and the matter is remitted back to the second respondent. The second respondent is directed to consider the case of the petitioner



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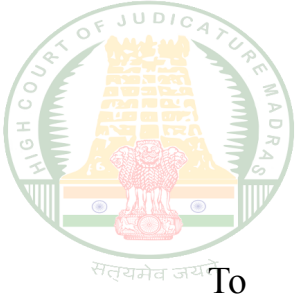
and pass fresh orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of one month from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of.

No costs. Consequently, the connected miscellaneous petitions are closed.

22.07.2025

Index : Yes / No
Internet : Yes / No
PKN



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VIVEK KUMAR SINGH, J.

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