



W.P.(MD).No.27983 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.(MD)No.27983 of 2025**

**and**

**W.M.P(MD)No.21726 of 2025**

C.Murugesan

...Petitioner

Vs

1.The Principal Secretary to Government,  
Municipal Administration and Water Supply Department,  
Government of Tamil Nadu,  
Secretariat,  
Chennai-600-009.

2.The Commissioner of Municipal Administration,  
Chepauk,  
Chennai 600 005.

3.The Director,  
Directorate of Town Panchayats,  
Raja Annamalaipuram,  
Chennai-600028.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to retire from service w.e.f. 30.04.2018 in view of the deemed retirement of the petitioner by virtue of the Rule 56 (1-A) of the Fundamental Rules and consequently



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disburse the retirement benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran  
For M/s.Ajmal Associates

For Respondents : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

The present Writ Petition has been filed for a writ of Mandamus, to direct the respondents to permit the petitioner to retire from service w.e.f. 30.04.2018 in view of the deemed retirement of the petitioner by virtue of the Rule 56 (1-A) of the Fundamental Rules and consequently disburse the retirement benefits within the period that may be stipulated by this Court.

2.The learned counsel for the petitioner submits that the petitioner, who was due to superannuate on 30.04.2018, was issued a charge memo on 24.07.2018. He was also placed under suspension and retained in service by invoking Rule 56(1)(C) of the Fundamental Rules. He further submits that the charge memo issued against the petitioner was also quashed by this Court by order dated 06.09.2024 in



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W.P.(MD)No.14297 of 2023 on the ground of delay. Relying on

G.O.Ms.No.47, Human Resources Management (FR-III) Department, dated 29.08.2025, he submits that the Rule 56(1)(C) of the Fundamental Rules has been deleted and the Rules 56(1-A) and 56(1-B) of the Fundamental Rules have been introduced. Referring to the proviso 56(1-A) of the Fundamental Rules, he submits that the persons like the petitioner, who were suspended and retained in service beyond the date of superannuation, shall be deemed to have retired from service, though pending disciplinary proceedings may continue under the Tamil Nadu Pension Rules, 1978. Therefore, he argues that the continued suspension and retention of the petitioner in service is contrary to the said Government Order, especially since the charge memo no longer survives in the eye of law. Hence, he prays that this Court allow the writ petition by permitting the petitioner to retire from service and consequently, direct the respondents to disburse the terminal benefits.

3.Countering his arguments, the learned Additional Government Pleader for the respondents submits that an intra-court appeal has been filed against the order quashing the charge memo and therefore, the petitioner is not entitled to the relief sought in this writ petition. That



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apart, he further submits that the charge memo challenged by the petitioner was issued prior to the date of superannuation and therefore, the claim of the petitioner in contending that he is entitled for the benefit of G.O.Ms.No.47, Human Resources Management (FR-III) Department, dated 29.08.2025, is misconception. Hence, he prays this Court to dismiss the writ petition.

4.I have considered the submissions made by the learned counsel on either sides and perused the materials available on record.

5.Admittedly, the petitioner reached the age of superannuation on 30.04.2018 and was suspended and not permitted to retire in view of the issuance of the charge memo just days before his retirement by invoking Rule 56(1)(C) of the Fundamental Rules. It is also an admitted fact that Rule 56(1)(C) of the Fundamental Rules has been omitted and 56(1-A) of the Fundamental Rules and Rule 56(1-B) of the Fundamental Rules have been introduced by way of amendment to the Fundamental Rules. Rule 56(1-A) of the Fundamental Rules prohibits the retention of an employee who reached the age of superannuation. Proviso to Rule 56(1-A) of the Fundamental Rules further provides that the Government



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employee who had been suspended and retained in service shall be deemed to have been retired from service on the date of superannuation.

Therefore, in view of the amended Rules, the petitioner cannot be said to be retained in service.

6.The contention of the learned Additional Government Pleader is that charge memo was issued prior to the date of superannuation of the petitioner cannot be accepted. The said charge memo has already been quashed by this Court in W.P(MD)No.14297 of 2023 by order dated 06.09.2024. Even after one year, the intra-court appeal said to have been filed has not yet been taken on file, and there is no order of stay against the judgment of the learned Single Judge even after nearly 15 months. Therefore, this Court does not see any bar for the disbursal of terminal benefits, which may include pension and DCRG which is the only amounts that can be withheld during the pending of disciplinary proceedings.

7.For the aforesaid reasons, the writ petition is allowed by declaring that the petitioner shall be deemed to have been retired from service in view of Rule 56(1-A) of the Fundamental Rules. As a sequel,



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the respondents are directed to disburse all terminal benefits including pension, Provident Fund, DCRG, Earned Leave Salary etc., together with interest as per the Tamil Nadu Pension Rules, 1978. Such exercise shall be completed by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**24.11.2025**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Sn

**To:**

- 1.The Principal Secretary to Government,  
Municipal Administration and Water Supply Department,  
Government of Tamil Nadu,  
Secretariat,  
Chennai-600-009.
- 2.The Commissioner of Municipal Administration,  
Chepauk,  
Chennai 600 005.
- 3.The Director,  
Directorate of Town Panchayats,  
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**K.KUMARESH BABU, J.**

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