



WP(MD). No.30940 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31/10/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.30940 of 2025

and

W.M.P(MD).Nos.24142 and 24143 of 2025

S.Sevugaperumal,

... Petitioner

Vs

1. The Director of Rural Development and Panchayat Raj,
O/o, Directorate of Rural Development and Panchayat Raj,
Chennai-600 015..
2. The District Collector,
Ramanathapuram District,
Ramanathapuram..
3. The Block Development Officer (Bpt/v.Pts),
O/o.Block Development Office,
Ramanathapuram..
4. The Additional Collector/Project Director,
District Rural Development Agency,
Ramanathapuram..

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the impugned order passed by the second respondent vide his impugned proceedings Roc.V5/7883/2024 dated 28.02.2024 and the consequential order passed by the second respondent vide his impugned proceedings Pro.No.V2/14439/2024 dated 30.10.2024 and quash the same as illegal and consequently to direct the second respondent to permit the petitioner to retire from service w.e.f 31.10.2024 in conformity with first proviso to Rule 56(1-A) of the Fundamental Rules and disburse all the retirement benefits of the petitioner, within the time that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
For R1, R2 and R4 : P.B.Ahamal Yashmin Parvin
Government Advocate
For R3 : M/s.S.Jeya Priya

ORDER

The writ petition has been filed challenging the order of suspension dated 28.08.2024 and the order dated 30.10.2024 retaining the petitioner in service pending preliminary enquiry under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, by invoking the powers under Fundamental Rule 56(iii).



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2. It is to be noted that the Government brought out an amendment to Fundamental Rule 56 whereby Rule 56(3) had been omitted and 56(1)(A) and 56(1)(B) had been introduced. 56(1)(A) envisage that a Government servant who has been kept under suspension and against whom disciplinary proceedings are pending or is envisaged then such Government servant shall be permitted to retire from service, however, the continuation of disciplinary proceedings shall be made under the Tamil Nadu Pension Rules, 1978 as applicable. The proviso to the said Rule envisages that a Government servant who has been kept under suspension and was not permitted to retire earlier shall also be deemed to have retired from service and the disciplinary proceedings would have to be continued under the Tamil Nadu Pension Rules.

3. In the present case, the petitioner had superannuated from service on 31.10.2024. Having attained the age of superannuation on the same date, in view of the impugned order, he had been retained in service. By application of the amended Rules, the petitioner is deemed to have retired from service on the date of his superannuation.



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4. In such view of the matter, the writ petition stands allowed and the impugned order is set aside. The petitioner is deemed to have been retired from service with effect from 31.10.2024, but however disbursal of retirement benefits will be subject to the provisions of the Tamil Nadu Pension Rules 1978. No Costs.

31.10.2025

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TO

1. The Director of Rural Development and Panchayat Raj,
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2. The District Collector,
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Ramanathapuram..
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