



WEB COPY



W.P.(MD).No.31380 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.31380 of 2025

and

W.M.P.(MD).No.24579 of 2025

P.A.Syed Sulaiman

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government
Rural Development and Panchayat Raj (E2) Department
Secretariat
Chennai-9.

2. The Director of Rural Deveopment and Panchayat Raj
Panagal Building
Chennai 600 015

3. The District Collector
Ramanathapuram
Ramanathapuram District

...Respondents

Prayer : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ to direct the 1st respondent to permit the petitioner to retire from service w.e.f. 31.07.2024 in conformity with the 1st proviso Rule 56 (1-A) of the Fundamental Rules and disburse all the retirement benefits payable to the petitioner pursuant to his retirement within the period that may be stipulated by this Hon'ble Court



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and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

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

For Respondents : M/s.F.Deepak
Special Government Pleader

ORDER

This writ petition is filed seeking direction to the 1st respondent to permit the petitioner to retire from service w.e.f. 31.07.2024 in conformity with the 1st proviso Rule 56 (1-A) of the Fundamental Rules and disburse all the retirement benefits payable to the petitioner pursuant to the petitioner's retirement.

2. The learned Counsel for the petitioner would submit that the petitioner was initially appointed as Junior Assistant and he was superannuated on 31.07.2024 as Joint Director/Project Director, District Mission Management Unit, Ramanathapuram District. Prior to his date of superannuation that is on 31.07.2024 he was placed under suspension on the ground of enquiry and grave charges are contemplated against him and thereafter by Government Order in G.O.(2D) No.73, Rural Development



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and Panchayat Raj (E2) Department dated 31.07.2024, he was retained in service and he was not permitted to retire from service. There was no charge memo that had been issued against him. While that be so, the Government issued G.O.Ms.No.47, Human Resources Management (FR-III) Department dated 29.08.2025, whereby, Section 56(1)(c) of the Fundamental Rules was amended and Rule 56(1)(A) and (B) were introduced. He further submits that as per 56(1)(A) the proviso provided that a Government Servant who is under suspension and not permitted to retire from service and retain in service should be deemed to have been retire from service. But the said rules indicates that if any disciplinary proceedings pending against them it should continued under Clause (a) and Rule 9(2) of the TamilNadu Pension Rules. He would further submits that the petitioner is entitled for payment of terminal benefits on the superannuation such punishment as envisaged under the pension rules and only be implicated upon the petitioner. Hence, he prays this court to direct the first respondent to permit the petitioner to retire from service and disburse all retirement benefits with effect from his date of superannuation.



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3. Countering his argument, the learned Special Government Pleader on the other hand would contend that even though the petitioner is entitled for under the deeming proviso of Rule 56(1)(A), he would not be entitled for receipt of the terminal benefits as claimed by him. Placing reliance upon Rule 9 (b) (2) (a) of the Pension Rules. He would further submits that the disciplinary proceedings could be continued under the Rule and concluded by the authority in the same manner treating the Government Servants to be in continued in service. Therefore, he would contended that the prayer sought for by the petitioner for disbursement of retirement benefits not to be granted by this Court.

4. I have considered the submissions made on either side and perused the materials available on record.

5. After issuance of the Government Order in G.O.Ms.No.47, Human Resources Management dated 29.08.2025 by application of the Government Proviso under Rule 56(1)(A), the petitioner is deemed to have been retire from service on the date of superannuation. However any disciplinary proceedings that had already been initiated could be continued



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under the provisions of the Pension Rules. The Pension Rules also provides that a disciplinary proceedings can be initiated for delinquencies which had taken place Court to the period of four years before the date of superannuation with the sanction of the Government. The petitioner attained the age of superannuation on 31.07.2024 and therefore, he can also be for any delinquency which had happened up to the period of four years before the date of superannuation, he can be proceeded. Hence, the prayer that has been sought for with regard to disbursal of the terminal benefits can be restricted only to the grant of terminal benefits other than pension and DCRG benefits, as under the Pension Rules, the punishment that could be imposed is either withdrawal the pension, withholding the pension with pension or recovery from DCRG for the proved delinquency.

6. For the aforesaid reasons, the Writ Petition stands allowed as the petitioner is deemed to have been retired from service and the respondents are directed to disburse of all other terminal benefits except for withholding the DCRG and the pension within a period of eight weeks from the date of receipt of a copy of this order. The respondents are also directed to take a decision as to whether they propose to proceed further if any



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disciplinary proceedings within a period of 12 weeks from the date of receipt of a copy of this order and if so, they are also directed to complete such disciplinary proceedings within a period of three months thereafter. If they decide not to proceed with any departmental proceeding, then the remaining terminal benefits shall also be paid to the petitioner within a period of four weeks therefrom and pay the eligible pension to the petitioner from the date of his superannuation. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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