



W.P.(MD).No.32482 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.32482 of 2025

and

W.M.P.(MD).No.25566 of 2025

S. Palaniappan

...Petitioner

-Vs-

1. The Additional Chief Secretary
Revenue Department
Chennai.

2. The Additional Chief Secretary / Commissioner of Revenue
Administration
Chepauk
Chennai.

3. The District Collector
Karur District.

4. The Divisional Revenue Officer
Karur District.

...Respondents

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 pertaining to the order passed by the 4th respondent in his proceedings in Rc.No.A3/706/2011 dated 23.03.2011 and the consequential order passed by the 4th respondent in his proceedings in Rc.No.A3/602/2014 dated 28.02.2014 and quash the same and direct the respondents to permit the petitioner to retire from service with effect from



W.P.(MD).No.32482 of 2025

28.02.2014 and to settle the eligible retirement benefits and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For petitioner : Mr.V.Panneer Selvam

For Respondents : M/s.P.B.Ahamad Yashmin Parvin
Government Advocate

ORDER

This writ petition is filed challenging the order passed by the 4th respondent in his proceedings in Rc.No.A3/706/2011 dated 23.03.2011 and the consequential order passed by the 4th respondent in his proceedings in Rc.No.A3/602/2014 dated 28.02.2014 and seeking consequential direction to the respondents to permit the petitioner to retire from service with effect from 28.02.2014 and to settle the eligible retirement benefits.

2. The learned Counsel for the petitioner would submit that the petitioner was appointed as Village Administrative Officer and he was superannuated on 28.02.2014. Prior to his date of superannuation that is on 20.03.2011 he was placed under suspension on the ground of enquiry and grave charges are contemplated against him and he was retained in service



W.P.(MD).No.32482 of 2025

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.



W.P.(MD).No.32482 of 2025

3. Countering his argument, the learned Government Advocate 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. She 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, she 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 Proviso under Rule 56(1)(A), the petitioner is deemed to have been retired from service on the date of superannuation. However any disciplinary proceedings that had already been initiated could be continued under the



W.P.(MD).No.32482 of 2025

provisions of the Pension Rules. The Pension Rules also provides that a disciplinary proceedings can be initiated for delinquencies which had taken place for 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 28.02.2014 and therefore, he can also be for any delinquency which had happened up to the period of four years before the date of superannuation, 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



W.P.(MD).No.32482 of 2025

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.

14.11.2025

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



W.P.(MD).No.32482 of 2025

WEB COPY To:

1. The Additional Chief Secretary
Revenue Department
Chennai.
2. The Additional Chief Secretary / Commissioner of Revenue
Administration
Chepauk
Chennai.
3. The District Collector
Karur District.
4. The Divisional Revenue Officer
Karur District.



WEB COPY



W.P.(MD).No.32482 of 2025

K.KUMARESH BABU.J.

gvn

W.P.(MD).No.32482 of 2025

14.11.2025