



W.P.(MD).No.33790 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : **25.11.2025**

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.33790 of 2025

and

WMP(MD).Nos.26677 & 26678 of 2025

M.Velmurugan

...Petitioner

-Vs-

1. The Director General of Police,
Directorate of Police
Chennai 4

2. The Deputy Inspector General of Police
Ramanathapuram Range
Ramanathapuram

3. The Superintendent of Police
O/o Superintendent of Police
Ramanathapuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a (S-(S-2) Writ of Certiorarified Mandamus calling for the records on the file of the 2nd Respondent pursuant to the impugned order passed by the 2nd Respondent vide his proceedings in C.No.B1/4411/2025, R.O.No.230/2025 dated 31.07.2025 and quash the same and consequently direct the respondents to release the petitioners



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retirement benefits within a time limit as fixed by this Honble Court and pass such further or other order or orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For petitioner : Mr.A.Karthik
For Respondents : M/s.F.Deepak
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned order passed by the 2nd Respondent vide his proceedings in C.No.B1/4411/2025, R.O.No. 230/2025 dated 31.07.2025 and seeking consequential direction to the respondents to release the petitioners retirement benefits.

2. I have carefully considered the submissions made on either side and perused the materiels available on record.

3. The petitioner, who attained superannuation on 31.07.2025, had been suspended from service and was not permitted to retire on the date of superannuation by invoking the powers under Fundamental Rule 56(i)(c). It is to be noted that under the Government order in G.O.Ms.No.47, Human



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Resources Management Department, dated 29.08.2025, amendments were notified, omitting Fundamental Rules 56(1)(3) and by inserting Fundamental Rules 56(1)(A) and 1(B). As per the said proviso FR 56(1)(A), any government servant who was kept under suspension and not permitted to retire but retained in service beyond the date of superannuation under the omitted clause FR 56(1)(C) shall be deemed to have been retired from service on the respective date of superannuation. But, however, the disciplinary proceedings against shall be continued under the provisions of the TamilNadu Pension Rules, 1978.

4. In view of the amendment to the Fundamental Rules, the impugned order cannot be allowed to stand. Although the petitioner has prayed for issuance of a writ of Certiorari and Mandamus, in view of the said Government Order, such persons who were retained in service are deemed to have retired from service. This Court is moulding the relief by issuing a writ of declaration, declaring that the petitioner is deemed to have been retired from service.



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5. For the aforesaid reasons, the writ petition stands allowed by issuing a Writ of Declaration, declaring the petitioner as deemed to have been retire from service with effect from 31.07.2025, that is the date on which he reached the age of superannuation and in a consequence, the respondents are also directed to disburse all other terminal benefits except his pensionary benefits and DCRG which alone punishment can be imposed under the TamilNadu Pension Rules, 1978. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2025

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



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K.KUMARESH BABU.J.
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