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W.P. No.1465 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.1465 of 2026

Dr.A.Rajendran

... Petitioner

Vs

1.The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries (AH1)
Department, Secretariat, Fort St. George,
Chennai -9

2.The Director of Animal Husbandry\
& Veterinary Services,
Saidapet Veterinary Hospital Campus,
Nandanam, Chennai -35

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in connection with the impugned orders passed in G.O.(D).No. 158, Animal Husbandry, Dairying and Fisheries (AH1) Department dated 30.05.2019 and the consequential order in G.O.(D).No.162, Animal Husbandry, Dairying and Fisheries (AH1) Department dated 31.05.2019 and quash the same, in pursuance of G.O.(Ms)No.47, Human Resources Management (FR - III) Department dated 29.08.2025 and direct the Respondents to issue an order of allowing the petitioner to retire from services on 31.05.2019 and settle the retirement benefits within a reasonable time frame as deem fit by this Court.



W.P. No.1465 of 2026

For petitioner : Mr.K.Venkatramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.Ganesan,
Additional Government Pleader

ORDER

This Writ Petition has been filed praying to quash the records of the 1st Respondent in connection with the impugned orders passed in G.O.(D).No. 158, Animal Husbandry, Dairying and Fisheries (AH1) Department dated 30.05.2019 and the consequential order in G.O.(D).No.162, Animal Husbandry, Dairying and Fisheries (AH1) Department dated 31.05.2019 in pursuance of G.O.(Ms)No.47, Human Resources Management (FR - III) Department dated 29.08.2025 and consequently to direct the Respondents to issue an order of allowing the petitioner to retire from services on 31.05.2019 and settle the retirement benefits.

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner was initially appointed as Veterinary Assistant Surgeon in Sirkali in the year 1985 and during his service, DVAC registered a criminal case. Subsequently the criminal case was not processed and the same was dropped in respect of disciplinary proceedings by granting liberty to the



appointing authority to initiate proceedings under Section 17(b) of Tamilnadu Civil Services (Discipline and Appeal) Rules pursuant to the charge memo issued on 17.10.2024. In the meanwhile, the petitioner reached the age of superannuation. However, he was not allowed to retire and he was placed under suspension vide G.O.(D).No. 158, Animal Husbandry, Dairying and Fisheries (AH1) Department dated 30.05.2019. Challenging the same, this writ petition has been filed.

3. The learned Senior Counsel appearing for the petitioner would further submit that the issue involved in this writ petitioner is no longer *res integra*. Already the Government decided to delete the Rule 56(1)(c) of the Fundamental Rules by G.O.(Ms)No.47, Human Resources Management (FR-III) Department dated 29.08.2025, in which the Government Order was given retrospective effect with liberty to proceed with the disciplinary proceedings in terms of Section 9(2) of Tamilnadu Pension Rules, 1978. Pursuant to the Government order in G.O.(Ms)No.47, Human Resources Management (FR-III) Department dated 29.08.2025, the Government issued clarification letter dated 09.10.2025 which clearly says that the Government servants retained under Rule 56(1)(c) of the Fundamental Rules beyond the date of superannuation shall be deemed to have been retired from service on the respective dates of



superannuation and the disciplinary proceedings pending against them shall be continued under Rule 9(2)(a) of Tamilnadu Pension Rules, 1978 to whom the said Rules apply or under Rule 56(1-B) of Fundamental Rules in respect of Government servants who were appointed on or after 01.04.2003. Hence, this Court may set aside the impugned order by granting liberty to the respondents to conclude the disciplinary proceedings in terms of Rule 9(2) of Tamilnadu Pension Rules, 1978 by initiating disciplinary proceedings under Rule 9 (2) and the respondents may be directed to convert the proceedings under Section 17(b) into Rule 9(2) of Tamilnadu Pension Rules, 1978 and to conclude the proceedings within the time as prescribed by this Court.

4. The learned Additional Government Pleader appearing for the respondents did not dispute the facts submitted by the learned Senior Counsel appearing for the petitioner.

5. In is seen that G.O.(Ms)No.47, Human Resources Management (FR-III) Department dated 29.08.2025 was given retrospective effect. Accordingly, G.O.(D).No. 158, Animal Husbandry, Dairying and Fisheries (AH1) Department dated 30.05.2019 is set aside and liberty is granted to the respondents to allow the petitioner to retire from service by converting the



W.P. No.1465 of 2026

disciplinary proceedings under Section 17(b) of Tamilnadu Civil Services (Discipline and Appeal) Rules into proceedings under Rule 9(2) of Tamilnadu Pension Rules, 1978 and conclude the proceedings within a period of six months from the date of receipt of this order.

6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

02.02.2026

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

1.The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries (AH1)
Department, Secretariat, Fort St. George,
Chennai -9

2.The Director of Animal Husbandry\
& Veterinary Services,
Saidapet Veterinary Hospital Campus,
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M. DHANDAPANI, J.

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