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W.P.No.39583 of 2015
and W.P.No.26986 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

**WP No. 39583 of 2015
and W.P.No.26986 of 2011**

WP No. 39583 of 2015:

Mr.D. Kaliyamoorthy,
S/o.Late. Duraikannu, Old No.8A, New No.14A,
Ramamoorthy Avenue, 2nd Street, Sakthi Nagar,
Porur, Chennai - 600 116

..Petitioner

Vs

1. State of Tamil Nadu
Rep by its Secretary, School Education
Department, Fort St George, Chennai - 600 009
2. Directorate of Elementary
School Education, Rep by its Director, DPI
Complex, College Road, Chennai - 600 006
3. The District Elementary
Educational Officer, District Primary Education
Office, Cuddalore-1
4. The Secretary
Padi Aided Middle School,
Veeramudayanatham Village & Post,
Chidambaram Taluk, Cuddalore District

..Respondent(s)



W.P.No.39583 of 2015
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Prayer in WP No. 39583 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records from the file of the 3rd Respondent and quash the orders passed in Na.Ka. No. 1061/ A7/2015 dated 22/06/2015 and direct the respondents to treat discharge from service as that of voluntary retirement or in the alternative as resignation on health grounds and to consider and sanction pension to the petitioner w.e.f. 01/03/1997, in accordance with the order of the Divisional Bench dated 17/11/2008 in W.A. No. 13048 of 2006, and with further direction to pay the petitioner pension and other benefits within a stipulated time.

WP No. 26986 of 2011:

Dr. G.Krishnamohan,
No.10, (old No.7), Sri Ram Layout, N.S.R. Road,
Saibab Mission P.O., Coimbatore-641011.

..Petitioner

Vs

1. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-641003.

2. The Comptroller,
Tamil Nadu Agricultural University,
Coimbatore-641003.

3. The Accountant General
(accounts & Entitlement), No.361, Anna Salai,
Chennai-18.

..Respondent(s)



W.P.No.39583 of 2015
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Prayer in WP No. 39583 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his proceedings No. L.O./Dr.G.K./2011 dated 31.01.2011 and quash the same and consequently direct the Respondents to pay pension to the Petitioner with arrears from 28.02.1990 within a period fixed by this Court.

W.P.No.39583 of 2015

For Petitioner : Mrs.S.Nagashyla

For Respondents : Mr.K.H.Ravikumar, GA-R1 to R3
No Appearance – R4

W.P.No.26986 of 2011

For Petitioner : Mr.Krishna Ravindran

For Respondents : Mr.S.Manikandan
Standing Counsel -R1 & R2

: Mr.V.Vijay Shankar,
Standing Counsel -R3

COMMON ORDER

W.P. No.26986 of 2011:

The petitioner challenges the communication dated 31.01.2011 issued by the first respondent, whereby the petitioner's claim for grant of pension and pensionary benefits was rejected on the ground that resignation from service or post entails forfeiture of past service.

Page 3/7



W.P.No.39583 of 2015
and W.P.No.26986 of 2011

WEB COPY

W.P. No.39583 of 2015:

This writ petition is filed challenging the order dated 22.06.2015 passed by the third respondent, by which the petitioner's application seeking pension and other pensionary benefits was rejected on the ground that resignation entails forfeiture of past service and that there is no provision for converting resignation into voluntary retirement.

2. In these writ petitions, this Court referred the issue for clarification regarding eligibility for pension under Rule 23 of the Tamil Nadu Pension Rules, 1978, in cases where service stood forfeited due to resignation on medical grounds, particularly in view of two conflicting Division Bench judgments rendered in *D. Vijayarangan v. Secretary, Sales Tax Appellate Tribunal and A.I. Agnel Ilangovan v. Government of Tamil Nadu*.

3. The Full Bench of this Court, *by order dated 03.02.2026 in W.P. No.39583 of 2015*, with reference to Rule 23 of the Tamil Nadu Pension Rules, 1978, held that resignation from service entails forfeiture of past service. It was further held that resignation, even if tendered on medical



W.P.No.39583 of 2015
and W.P.No.26986 of 2011

or health grounds, results in forfeiture of past service, and the grounds on which resignation is submitted are immaterial. The Full Bench also noted the valid distinction between “resignation” and “voluntary retirement,” as recognised by the Three-Judge Bench of the Hon’ble Supreme Court in Senior Divisional Manager, LIC v. Shree Lal Meena.

4. In light of the authoritative pronouncement of the Full Bench, the claim of the petitioners, who resigned from service, for grant of pension and pensionary benefits is untenable. Accordingly, the writ petitions are disposed of, granting liberty to the petitioners to challenge the validity of Rule 23 of the Tamil Nadu Pension Rules, 1978, and also to submit a representation before the appropriate authority seeking relaxation of the said Rule. No costs.

24.02.2026

Index : Yes/No

Internet : Yes

msv



W.P.No.39583 of 2015
and W.P.No.26986 of 2011

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To

1. The Secretary, School Education Department, Fort St George,
Chennai - 600 009
2. Directorate of Elementary
School Education, Rep by its Director, DPI Complex, College Road,
Chennai - 600 006
3. The District Elementary
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W.P.No.39583 of 2015
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HEMANT CHANDANGOUDAR, J.

msv

WP No. 25478 of 2015
AND WP NO. 25479 OF 2015

24.02.2026