



WEB COPY



W.P. No.9056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

CORAM:

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

W.P. No.9056 of 2024

D.Thulasingham

... Petitioner

Vs

1.STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, SCHOOL
EDUCATION DEPARTMENT, FORT ST. GEORGE, SECRETARIAT,
CHENNAI-600 009.

2.THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI-600 006.

3.THE JOINT DIRECTOR OF SCHOOL EDUCATION (PERSONNEL),
OFFICE OF THE DIRECTOR OF SCHOOL EDUCATION, DPI CAMPUS,
COLLEGE ROAD, CHENNAI-600 006.

4.THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT, VILLUPURAM.

5.THE DISTRICT EDUCATIONAL OFFICER,
TINDIVANAM EDUCATION DISTRICT,
VILLUPURAM DISTRICT.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue Writ of Mandamus directing the respondents to pass orders for
granting permissible retirement benefits viz. Earn Leave for encashment,
Special PF., Contributory Pension, Surrender Leave 7 Months' salary from
November 2014 to May 2015, Unearned Leave of pay etc. including subsistence
allowances from 30.04.2023 together with interest in delay in payment, in

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consideration of representation submitted by the petitioner dated 21.08.2023
within a time frame to be fixed by this Court.

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For petitioner : Mr.S.Nedunchezhiyan,
Senior Counsel
for J.Jayamalan

For Respondents : Mrs.Mythreye Chandru,
Special Government Pleader(Education)

ORDER

This Writ Petition has been filed for direction to the respondents to pass orders for granting permissible retirement benefits viz. Earn Leave for encashment, Special PF., Contributory Pension, Surrender Leave 7 Months' salary from November 2014 to May 2015, Unearned Leave of pay etc. including subsistence allowances from 30.04.2023 together with interest in delay in payment, in consideration of representation submitted by the petitioner dated 21.08.2023 within a time frame to be fixed by this Court.

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner was initially appointed as BT Assistant (Science) in the School Education Department in the year 2007 and the petitioner reached the age of superannuation on 30.04.2023, whereas at the verge of retirement, the petitioner was placed under suspension vide proceedings of the third respondent



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dated 27.04.2023 followed by another order dated 28.04.2023 by invoking the Rule 56(1)(c)(iv) of Fundamental Rules and thereby the present writ petition has been filed.

3. The learned Senior Counsel appearing for the petitioner would further submit that Rule 56(1)(c)(iv) of Fundamental Rules was deleted by amending vide GO.Ms.No.47 Human Resources Management (FR-III) Department dated 29.08.2025 and subsequently Government also issued letter to proceed the disciplinary proceedings in terms of Rule 9(2) of Tamil Nadu Pension Rules, 1978. Therefore, this Court may issue direction to the respondents to settle the eligible terminal benefits in favour of the petitioner within the time as fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents did not dispute the fact with regard to amendment of Rule 56(1)(c)(iv) of Fundamental Rules and the consequential direction issued by the Government. The petitioner is not a pensioner and he joined Contributory Pension Scheme since he joined the said post after 01.04.2003. However, as per amendment of Rule 56(1)(c)(iv) of Fundamental Rules in terms of GO.Ms.No.47 Human Resources Management (FR-III) Department dated



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29.08.2025 and subsequent circular, the respondents are entitled to conclude the disciplinary proceedings under Rule 9(2) of Tamil Nadu Pension Rules, 1978 in terms of GO.Ms.No.47 Human Resources Management (FR-III) Department dated 29.08.2025 in terms of (1-B) of the amendment.

5. Considering the facts and circumstances, there shall be a direction to the respondents to conclude the proceedings, if any, within a period of twelve weeks from the date of receipt of this order in terms of the Rules and settle the eligible terminal benefits to the petitioner as per the Rules in accordance with law.

6. With the above direction, this writ petition stands disposed of. There shall be no order as to costs.

06.02.2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

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