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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Petition No.17347 of 2024R.Baskar Thangapalam
S/o.S.Rajarathinam

..Petitioner

Vs

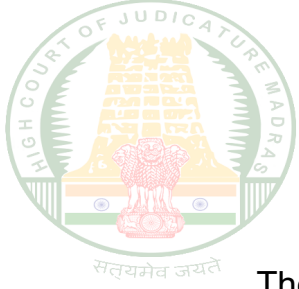
1. Union of India
represented by
Director General of Posts,
Dak Bhavan, New Delhi.
2. The Chief Postmaster General,
Tamil Nadu Circle, Chennai.
3. The Postmaster General,
Southern Region, Madurai.
4. The Senior Superintendent of Post Offices,
Kovilpatti Division, Kovilpatti.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records connected with the impugned order passed by the Central Administrative Tribunal, Chennai Bench, in O.A./310/00240/2017 dated 25.09.2023 and quash the same and consequently, direct the respondents herein to sanction pension and other retirement benefits to the petitioner for his 13 years of qualifying service.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Dr.G.Babu
Senior Panel Counsel



ORDER
(Made by S.M.Subramaniam J.)

The writ on hand has been instituted to assail the order of the Central Administrative Tribunal, Chennai Bench, dated 25.09.2023 passed in O.A.No.240/2017.

2. The applicant before the Central Administrative Tribunal is the writ petitioner before this Court. Originally, application was filed seeking the relief of sanction of pension and other retirement benefits.

3. The uncontroverted facts between the parties to the *lis* are that the writ petitioner joined as Postal Assistant on 27.08.1981. He was transferred to Tenkasi Head Post Office of Kovilpatti Division. He was suffering from peptic ulcer, fatigue and depression and advised by the doctors to take bed rest. Due to his ill-health, the petitioner submitted his resignation letter to the fourth respondent, who in turn, accepted the resignation and relieved the writ petitioner from service on 27.09.1994. The petitioner has not initiated any action after acceptance of his resignation in the year 1994. After a lapse of about 22 years, the petitioner submitted a representation on 08.06.2016 for grant of pension since he has completed 10 years of qualifying service for grant of minimum pension under the Pension Rules.

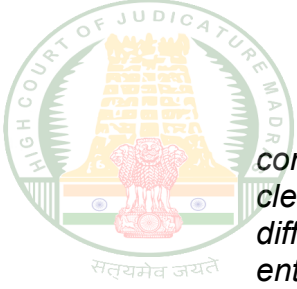


4. Learned counsel for the petitioner would mainly contend that the resignation was made by the writ petitioner on medical grounds. Further, the petitioner has completed 10 years of minimum qualifying services. Thus, he is eligible for grant of pension under the Pension Rules.

5. The respondent would submit that under Rule 26(1) of CCS (Pension) Rules, 1972, resignation from service entails forfeiture of past services. Admittedly, the writ petitioner resigned from the post of postal assistant and his resignation was accepted by the competent authority in the year 1994. The Tribunal considered the scope of the Pension Rules and held that the words 'resignation' and 'retirement' carry different meaning in common parlance. Once the resignation is accepted, it resulted in forfeiture of past service under the Pension Rules. Therefore, the writ petitioner is not entitled for the relief of grant of pension.

6. The issue relating to grant of pension on medical grounds in the context of Tamil Nadu Pension Rules, 1978, which is in *pari materia* with the CCS (Pension) Rules, 1972, was considered by the Full Bench of this Court in the case of ***D.Kaliyamoorthy and Another v. State of Tamil Nadu [CDJ 2026 MHC 443]***. The relevant paragraphs are extracted hereunder:

“17. Hence, in tune with the judgments referred above, we come to the irresistible conclusion that resignation of employee entails forfeiture of service and that a clear distinction can be drawn between resignation and voluntary retirement. Both are disparate in terms of its operation and consequence, thereby, unlikely to hold an equivalent character.



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18. Based on the application of literal rule of interpretation and a combined reading of the above mentioned judgments, it is also crystal clear that resignation on medical grounds cannot be touted to be different from a resignation under Rule 23, which in ordinary reading entails forfeiture of service. Resignation means forfeiture of past service and the Rule cannot be tampered with in the absence of any ambiguity. There are separate and distinct provisions available under the Pension Rules for medical grounds and also Rule 56(3) of Fundamental Rules deals exclusively with voluntary retirement. Hence, a new ground cannot be constructed by Courts nor can it legislate a provision.

19. In view of the discussion above, the reference is answered accordingly:

A) 'Resignation' from a service or post as per Rule 23 of The Tamil Nadu Pension Rules, 1978 entails forfeiture of past service. Therefore, resignation from service even on medical or health grounds entails forfeiture of past service.

B) The grounds based on which resignation is sought is immaterial and resignation shall only mean forfeiture of past service.

C) There is a valid distinction between 'resignation' and 'voluntary retirement' as held by the Three Judge Bench of the Hon'ble Supreme Court in Senior Divisional Manager LIC and Ors vs Shree Lal Meena ((2019) 4 SCC 479). Therefore, resignation from service cannot be treated as voluntary retirement.

20. The principle settled in D.Vijayarangan Vs. Secretary Sales Tax Appellate Tribunal and Others (supra) is held to be bad in law. Therefore, the views of the division Bench of this Court in A.I.Angel Illangovan Vs. The Government of Tamil Nadu (supra), is hereby upheld."

7. The Full Bench of this Court has already answered the reference made and therefore, resignation on medical grounds also amounts to forfeiture of past services in accordance with the Pension Rules in force and therefore, this Court does not find infirmity in the order passed by the Central Administrative Tribunal, which is in consonance with the legal position.



Accordingly, the order dated 25.09.2023 passed in O.A.No.240/2017 by the Central Administrative Tribunal stands confirmed and the writ petition is dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
09-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes

gm

To

1. The Director General of Posts,
Dak Bhavan, New Delhi.
2. The Chief Postmaster General,
Tamil Nadu Circle, Chennai.
3. The Postmaster General,
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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