



WEB COPY

WP No. 36692 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 36692 of 2016

P.Jothilingam,
No.5/57, New Colony,
Pasumathur Village & Post,
Kudiyattham Taluk, Vellore District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
2. The Principal,
Rajagopal Polytechnic College,
Gandhi Nagar, Gudiyattam,
Vellore District - 632 604.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the entire records connected with the proceedings of the 2nd respondent in R.P.G/J.A.2/ 2016-17/383 dated 27.09.2016 and quash the same consequently, direct the respondents to consider the request of the petitioner to provide pension in the light of G.O.Ms.No.1015/ Edu.Dept. dt.05.06.1981 and G.O.Ms.No.37 dated 05.01.1983 issued by the Commissioner and Secretary to Government, Department of Education Science and Technology.

For Petitioner(s):

Mr. G. Balamanikandan
for M/s.S.Kanmani



For Respondent(s):

Mr. Vadivelu Deenadayalan
Additional Government Pleader
for R1.
Mr. C.Premkumar for R2

ORDER

The present Writ Petition is filed challenging the impugned order passed by the second respondent dated 27.09.2016.

2.Mr.G.Balamanikandan, the learned counsel appearing for the writ petitioner submitted that the petitioner is an Ex-serviceman, who was sponsored by the District Employment Exchange for the post of watchman in the second respondent college and subsequently, was appointed in the said post vide the proceedings of the second respondent dated 21.03.1977 on temporary basis. Thereafter, the petitioner's services was regularised by the second respondent by proceedings dated 21.04.1983 with retrospective effect from 21.03.1982. Thereafter, the petitioner was given selection grade with effect from 21.03.1992 and his scale of pay was refixed.

3.Thereafter, on 29.12.1992, the petitioner submitted a resignation letter before the second respondent citing health reasons and the same was accepted by the second respondent. Based on resignation, the petitioner's services has come to an end. By the impugned order, the second respondent had intimated



the writ petitioner that since he has resigned from the said post, he is not entitled for pension and therefore, the said impugned order has been challenged.

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4.The learned Additional Government Pleader appearing for the first respondent submitted that the Hon'ble Full Bench of this Court in W.P.No.39583 of 2015 dated 03.02.2026, has passed the following order;

“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**”. Therefore, resignation from service cannot be treated as voluntary retirement”*

5.The Hon'ble Full Bench of this Court has categorically held that once resignation is tendered, the employee is not entitled for pensionary benefits as per Rule 23 of the Tamil Nadu Pension Rules, 1978.



6. In view of the above said case, since the petitioner in the instant case has tendered his resignation, he is not entitled to pensionary benefits. Therefore, the Writ Petition is dismissed as devoid of merits. No costs.

10-04-2026

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

TSG

To

The Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai - 600 009.



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N.SENTHILKUMAR, J.

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