



WEB COPY



WP No. 38149 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 38149 of 2016

and

WMP No. 28837 of 2018

G.Mariappan
S/o.Ganghadharan,
Door No.90, North Car Street,
Chinthamani, Puliyangudi Post - 627 855,
Kadayanallur Taluk,
Tirunelveli District

..Petitioner(s)

Vs

1. The Principal Secretary to
Government, Public Works Department,
Fort St. George, Chennai-9.
2. The Executive Engineer
Water Resources Organisation
(Gundar Basin Division),
Public Works Department, Tallakulam,
Madurai-625 002.
3. The Accountant General of
Accountant General Office,
Teynampet, Chennai-18.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in Letter No.2768/ C2/2016-4, dated 27.06.2016



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and quash the same and thereby directing the respondents to sanction pension from the date of attainment of age of 58 years.

For Petitioner(s): Mr.A.R.Nixon,

For Respondent(s): Mr.P.Muthukumar,
Additional Advocate General,
assisted by
Mr.S.John J. Raja Singh,
Additional Government Pleader for R1 & R2,

Mr.L.Muralikrishnan, Standing Counsel for R3

ORDER

This Writ Petition has been filed to call for the records relating to the order passed by the 1st respondent in Letter No.2768/C2/2016-4, dated 27.06.2016 and quash the same and to direct the respondents to sanction pension from the date of attaining the age of 58 years.

2.The case of the petitioner is that he joined as Pump Operator in Public Works Department on 16.09.1971 and he resigned his job on 27.12.1981. After being in service for 10 years, he made a representation to the 3rd respondent on 22.11.2015, claiming pension.

3.Heard the learned counsel for the petitioner, the learned Additional



Advocate General for respondents 1 & 2 and the learned counsel for the 3rd respondent.

4. The learned Additional Advocate General appearing for the respondent submitted that the petitioner is not entitled to pension, as he resigned from service. He relied upon the Full Bench judgment of this Court made in W.P.No.39583 of 2015 dated 03.02.2026, wherein it was held as follows:

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.



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5.In the aforesaid order, the Full Bench has categorically held that resignation from service or post as per Rule 23 of The Tamil Nadu Pension Rules, 1978 entails forfeiture of past service, irrespective of the grounds.

6.In the present case, the petitioner rendered service from 16.09.1971 to 27.12.1981 as pump operator and thereafter resigned. In view of the full bench order stated supra, the claim made by the writ petitioner cannot be granted.

7.Accordingly, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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