



WP.(MD)No.9666 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.02.2026

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.9666 of 2023

V.S.Subramanian

... Petitioner

Vs.

1.The Secretary
Textiles Committee
Ministry of Textiles
Government of India
P.Balu Road
Prabhadevi Chowk
Prabhadevi
Mumbai- 400 025.

2.The State of Tamil Nadu Rep. by
The Commissioner of Technical Education
Directorate of Technical Education
Guindy Chennai- 600 025.

3.The Principal
PAC Ramasamy Raja Polytechnic College
Kumarasamy Raja Nagar Post
Rajapalayam- 626 108.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the first respondent to remit the pro-rata pension and gratuity admissible to the petitioner for the past service rendered by the petitioner under it,



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to the credit of the Government of Tamil Nadu and on that basis, further direct the 2nd respondent to count such past service for revising the pensionary benefits payable to the petitioner along with arrears of such benefits.

For Petitioner	: No Appearance
For R1	: Mr.K.Govindarajan, Deputy Solicitor General
For R2	: Mr.M.Sarangan, Additional Government Pleader.
For R3	: Mr.A.Sivaji

ORDER

The petitioner, who served as a Lecturer in the third respondent Polytechnic College, voluntarily retired on 08.09.2021. Now, he has filed this writ petition seeking a direction to the first respondent to remit him the pro-rata pension and gratuity amount for the past service rendered by him with the first respondent and a consequential direction to the second respondent to revise the pensionary benefits payable to him. According to him, he has rendered service in the first respondent as an Inspector of Textile Committee and he resigned his



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job on 06.03.1998 and thereafter, he joined the third respondent College on 09.03.1998.

2.The learned Additional Government Pleader appearing for the second respondent, by referring to the provision under Rule 23 of the 23 of the Tamil Nadu Pension Rule, submits that the resignation from a service or post entails forfeiture of past service. He also refers the judgment of the Hon'ble Full Bench in WP.No.39583 of 2015 dated 03.02.2026 wherein the Hon'ble Full Bench discussed in detail and concluded as under:-

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 'voluntarily 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



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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 (subra) is hereby upheld.

21.We answer the questions of law referred to this Full Bench in the above terms. The Registry shall place the matters before the Regular Bench for disposal.

3.In view of the above decision of the Hon'ble Full Bench of this Court, this writ petition is dismissed. There shall be no orders as to costs.

10.02.2026

NCC : Yes/No
Index : Yes/No
Internet:Yes
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