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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On: 17.11.2026	Delivered On: 20.11.2026

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
and
THE HONOURABLE MR JUSTICE E. MANOHARAN

W.A.No.1713 of 2024

Mrs.R.Vijaya,
W/o.D.Vasu,
No.1143, 6th Street,
Vengikkal, Thendral Nagar,
Tiruvannamalai – 606 604. … Appellant/Petitioner

vs.

1. The Deputy Secretary/Personnel
For Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.800, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer,
Tiruvannamalai Electricity Distribution Circle,
TANGEDCO,
Tiruvannamalai – 606 601.

3. The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
TANGEDCO,
Tiruvannamalai – 606 601. … Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act, pleased to allow the Writ Appeal and set aside the order passed by his Lordship Hon'ble Mr.Justice G.K.Ilanthiraiyan dated 04.01.2024 made in W.P.No.36222 of 2023.

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For Appellant : Mr.P.Pongowtham Kumar

For Respondents : Mr.M.Loganathan, for TNEB

JUDGMENT

Dr. G. Jayachandran, J.
and
E. Manoharan, J.

The appellant herein joined the service of the 1st respondent/Tamil Nadu Generation and Distribution Corporation Limited (formerly the Tamil Nadu Electricity Board), as an Assessor on 13.12.1985. She was promoted as Typist in the year 1995, further promoted as an Assistant in the year 2007 and later got promoted as Accountant in 2009. Subsequently, she got promoted as an Assistant Accountant Officer and, finally, as Deputy Financial Controller in 2018. Having climbed the ladder stage by stage, from Assessor to Deputy Financial Controller, she opted for voluntary retirement and made a request through letter dated 28.09.2022 to relieve her from service with effect from 01.04.2023. She cited ill health and family situations as reasons for opting voluntary retirement. But, after a month, she decided to continue in service and, therefore, on 10.11.2022 made a written request to the Chairman-cum-Managing Director, TANGEDCO, expressing her willingness to continue in service and seeking withdrawal of her voluntary retirement notice. However,

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her request for withdrawal was not considered. The first respondent issued proceedings dated 04.01.2023, relieving her from service based on her request for voluntary retirement, without considering her withdrawal letter submitted before the expiry of 90 days notice period.

2. Aggrieved by the same, she filed W.P.No.19806 of 2023 challenging the order of the Chairman-cum-Managing Director, TANGEDCO dated 04.01.2023.

3. The contention of the petitioner regarding non-consideration of her request for withdrawal was considered by the Learned Single Judge and allowed the Writ Petition. Consequently, the proceedings dated 04.01.2023 was quashed and the first respondent was directed to take note of the withdrawal application submitted by the petitioner and pass orders on its own merits within a period of two months.

4. The first respondent, in reverence to the directions of this Court passed in W.P.No.19806 of 2023 *vide* order dated 22.09.2023, considered the withdrawal letter submitted by the petitioner rejected the withdrawal of

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voluntary retirement as not feasible for compliance, vide proceedings dated 18.11.2023 citing the following reasons:

> *(i) You have not produced any valid medical documents on Improvement of your health to withdraw your Voluntary retirement request.*
>
> *(ii) You have received all the terminal benefits without any protest at the relevant point of time. It is implies that you have accepted the Voluntary Retirement without any objection.*
>
> *(iii) As per the Regulation 17(gg)(g) of Tamil Nadu Electricity Board Service Regulation the employee is not entitled to withdraw the application arbitrarily and automatically, it is with the approval of the Appointing Authority only.*

5. Aggrieved by the order dated 18.11.2023 passed by the first respondent, namely the Chairman-cum-Managing Director, TANGEDCO, the petitioner in W.P.No.36222 of 2023 was filed seeking issuance of a Writ of Certiorarified Mandamus to quash the said proceedings.

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6. The learned Single Judge, on perusal of the records, held that the writ petitioner has not objected the settlement of retirement benefit and accepting her request for voluntary retirement, the retirement benefits have been deposited in the bank account of the writ petitioner on 20.02.2023.

7. Regulation 17(gg)(g) of the Tamil Nadu Electricity Board Service Regulations enables an employee to withdraw the notice of voluntary retirement, but the same shall be only if made before the expiry of the notice period and on approval of the appointing authority. Once the request for voluntary retirement is received, it can be withdrawn only with approval of the appointing authority. In this case, the Appointing Authority has refused to give approval for withdrawal and the entire retirement benefit has already been deposited in the account of the writ petitioner. Therefore, the rejection of the request made by the writ petitioner to withdraw her Voluntary Retirement application does not suffer any infirmity or illegality.

8. The order of Learned Single Judge is challenged in this appeal before this Court.

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9. The Learned Counsel appearing for the petitioner/appellant submitted that the Learned Single Judge has erroneously interpreted Regulation 17(gg)(g) of the Tamil Nadu Electricity Board Service Regulations, which reads as below:

> ***17. Age of Retirement***
>
> *(gg) Voluntary retirement — (a) An employee, who has attained the age of fifty years or who has completed twenty years of qualifying service, may retire from service by giving notice of not less than three months in writing direct to the appointing authority with a copy marked to his immediate superior Officer for information. Before giving such notice, he may satisfy himself by means of a reference to such authority that he has completed the required number of years of qualifying service.*
>
> .....

10. The Service Regulation confers right on an employee, who has attained the age of 50 years or who has completed 20 years of qualifying service to seek for voluntary retirement by giving notice not less than three months' in writing. On receipt of such notice of voluntary retirement given by the employee, the same shall be accepted by the appointing authority, subject to the conditions laid down in the Regulations, which are as follows:

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(i) that no disciplinary proceedings are contemplated or pending against the employee concerned for the imposition of a major penalty;

(ii) that no prosecution is contemplated or pending in a Court of Law against the employee concerned;

(iii) that a report from the Vigilance Cell has been obtained to the effect that no enquiry is contemplated or pending against the employee concerned in Vigilance Wings;

(iv) that no dues which cannot be recovered from his Death-cum-Retirement Gratuity are pending to be recovered from the employee concerned; and

(v) that there is no contractual obligation to serve the Board during the period in which the employee concerned seeks to retire voluntarily.

11. The Appointing Authority shall issue orders before the date of expiry of notice, either accepting the voluntary retirement or not. Otherwise, the employee shall be deemed to have been retired voluntarily from service at the end of the period of notice.

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12. Regulation 17(gg)(g) of the Tamil Nadu Electricity Board Service Regulations gives right to the employee to withdraw the VRS letter before acceptance or after acceptance. If it is after acceptance, the same shall be with the approval of the appointing authority. If it is before acceptance, the approval of the Appointing Authority is not required. In fact, the notice of voluntary retirement can be withdrawn before expiry of the period of notice. If the withdrawal is before acceptance, the said withdrawal is without any condition. In case, it is after acceptance by the Appointing Authority, then it can be withdrawn only with his approval.

13. Regulation 17(gg)(g) of the Tamil Nadu Electricity Board Service Regulations reads as below:

> *"(g) The employee may withdraw the notice of voluntary retirement or withdraw the voluntary retirement after acceptance, as the case may be, subsequently with the approval of the appointing authority, before the expiry of the period of notice."*

14. The impugned order dated 18.11.2023 cites three reasons for the refusal to entertain the withdrawal of the voluntary retirement notice:

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(i) The first reason assigned is that the appellant has not produced any valid medical document on improvement of her health to withdraw her voluntary retirement request.

It is to be noted that, when the voluntary retirement notice was issued, the appellant neither enclosed any medical certificate, nor the acceptance of the voluntary retirement request is based on the perusal of the medical records.

(ii) The second reason for refusal to receive the withdrawal letter is the receipt of all terminal benefits without any protest.

This reasoning is contrary to the facts. No doubt, the first respondent has deposited the retirement benefits in the account of the appellant. However, the appellant has not withdrawn that money since she has already made a request not to act upon the voluntary retirement notice.

(iii) The third reason assigned in the impugned order is based on Regulation 17(gg)(g) of the Tamil Nadu Electricity Board Service Regulations.

The impugned order says that an employee is not entitled to withdraw the application arbitrarily and automatically. It can be done only with the approval of the appointing authority.

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This is not the correct interpretation of the said regulation. As the above regulation only mandates that the withdrawal of the notice of voluntary retirement must be before the expiry of the period of notice. The approval of the appointing authority is required only if the withdrawal is made after the acceptance by the appointing authority. If the withdrawal is prior to the approval then the request for withdrawal is an absolute right.

15. Reading of Regulations 17(gg) (e) and 17(gg)(f) makes the Rule position clear. While 17(gg)(e) mandates that a notice of voluntary retirement given by an employee shall be accepted by the appointing authority, subject to the conditions. Regulation 17(gg)(f) mandates the appointing authority to pass orders before the date of expiry of notice, either accepting the voluntary retirement or refusing the request. Otherwise, the employee shall be deemed to have been retired voluntarily from service at the end of the period of notice.

16. Reading of these Regulations, we can visualize three different eventualities:

(i) The appointing authority should consider and pass orders before the expiry of the notice period. If he fails to pass orders within the notice period,

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then on expiry of the notice period, it is deemed to be accepted and the employee is deemed to have been retired voluntarily from service at the end of the period of notice.

(ii) The appointing authority shall pass orders on the notice of voluntary retirement either accepting it simplicitor or rejecting it, stating any one or more conditions laid in Regulation 17(gg)(e)(i) to (v) are not satisfied.

(iii) Under Regulation 17(gg)(g), an employee who has tendered notice of voluntary retirement can withdraw it before expiry of the period of notice. If the appointing authority by that time has accepted the voluntary retirement notice and issued orders, then the withdrawal can be permitted only with the approval of the appointing authority. If, by the time, no order passed on the request for VRS, then the right to withdrawal is absolute without any rider.

17. In this case, the records reveal that the appellant's request for voluntary retirement is dated 18.09.2022. It was received by the appointing authority on 04.10.2022. The request for Voluntary Retirement was accepted vide proceedings dated 04.01.2023. Even before the order of acceptance, the

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appellant/Employee had submitted her withdrawal letter on 10.11.2022. The records further reveals that the Chairman-cum-Managing Director/1st respondent herein perused the request for voluntary retirement and approved the same on 21.11.2022. Even before approving the request, the appellant has submitted her withdrawal letter dated 10.11.2022. However, the 1st respondent has issued the proceedings on 04.01.2023 without any reference to the letter of withdrawal dated 10.11.2022.

18. Therefore, the withdrawal of VRS letter is an inherent right of the employee which can be restricted only if the withdrawal is made after issuance of approval, but before the expiry of the notice period. In this case, the appellant having withdrawn the voluntary retirement request much prior to the date of approval of her request, we find the 1st respondent has erred in rejecting her request for withdrawal for reason other than the reasons stated in Regulation 17(gg)(e)(i) to (v).

19. For the above said reasons, the proceedings dated 18.11.2023 is liable to be quashed. The appellant/petitioner shall be reinstated in-service, subject to her re-depositing the amount deposited in her account in favour of the

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first respondent.

20. With the above directions, the Writ Appeal stands allowed. The order dated 04.01.2024 passed by the Learned Single Judge in W.P.No.36222 of 2023 is hereby set aside. Consequently, the proceedings of the first respondent dated 18.11.2023 stands quashed. There shall be no order as to costs.

(Dr. G.J. J,) & (E.M. J,)
20-11-2026

Index :Yes/No.
Internet :Yes.
bsm

To,
1. The Deputy Secretary/Personnel
For Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.800, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer,
Tiruvannamalai Electricity Distribution Circle,
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Order QR

W.A.No.1713 of 2024

Dr. G.JAYACHANDRAN, J.
&
E. MANOHARAN, J.

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Pre-Delivery judgment made in
W.A.No.1713 of 2024

Judgment delivered on
20-11-2026

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