



WEB COPY



W.P.No.9985 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.9985 of 2026

M.Ilango
S/o.Mahalingam
Res. at No.23,Mariyamman Koil Street West
Pandasozhanur, Nettapakkam, Bahour Taluk,
Puducherry-605 106.

Petitioner(s)

Vs

1. Election Commission of India
Rep by its Chief Election Commissioner
Nirvachan sadan, Ashoka Road
New Delhi - 110 001.
2. The State Election Commission
Rep by Chief Election Officer
Having address at 1st Floor,
New Collectorate Building
Vazhudavour Road, Pettaiyanchhatiram
Puducherry-605 009.
3. The Director General of Police
2, Dumas street, White town
Puducherry-605 001.



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4. Union of India
Rep by its Chief Secretary
Government of Puducherry
Puducherry-605 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent not to reject the nomination of the petitioner to contest the upcoming 2026 Puducherry Legislative Assembly election solely on the ground of alleged continuance in government service.

For Petitioner(s): Mr.K.V.Muthu Kumar

For Respondent(s): Mr.Niranjan Rajagopalan
Standing Counsel
for R1

Mr.V.Vasanthakumar
Additional Government Pleader
(Puducherry)
for R2 and R4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus to direct the first respondent not to reject the nomination of the petitioner to contest the upcoming 2026 Puducherry Legislative Assembly election solely on the ground of his alleged continuance in government service.



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2. For consideration of the claim raised in this writ petition, few vital facts need to be referred to:

(a) Even though an application was submitted by the petitioner on 27.8.2025 opting for voluntary retirement from service, the same was rejected vide order dated 19.12.2025 owing to pendency of departmental proceedings against the petitioner.

(b) The third respondent, vide order dated 2.2.2026, treated the petitioner as "Deserter" with effect from 18.10.2025, because to his unauthorised absence from duty.

(c) The disciplinary proceedings initiated against the petitioner ended in imposition of penalty of "Censure", vide order dated 6.2.2026 passed by the Special Officer, Police Department, Puducherry.

3. Another vital aspect which needs to be alluded to is that the petitioner challenging the order dated 19.12.2025 rejecting his request for VRS has filed O.A.No.310/00014/2026 before the Central

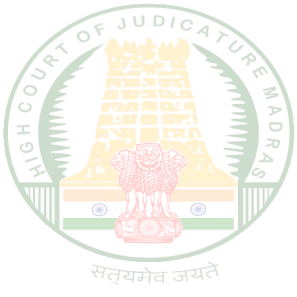


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Administrative Tribunal, Chennai Bench, and the same was disposed of vide order dated 4.3.2026 with the following direction:

"6. In view of the above, we are of the view that all the aforesaid actions of the respondents are consequential to each other. Therefore, having regard to the closure of the disciplinary proceeding with the penalty of censure, we deem it appropriate to direct the respondents to consider and dispose of the application of applicant for Voluntary Retirement submitted on 27.8.2025 by reviewing the order dated 02.02.2026 issued by the respondents taking into account the medical leave submitted by the applicant and to pass a reasoned and speaking order thereon within a period of four weeks from the date of receipt of copy of this order."

4. From a bare perusal of the order passed by the Central Administrative Tribunal, it is apparent that the respondents therein were only directed to consider the application of the petitioner for voluntary retirement within four weeks. It is for the authorities to take a decision one way or the other. The fact remains that the petitioner, as on date, continues to be a government servant.



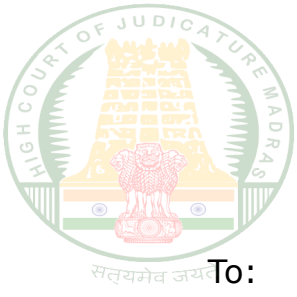
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5. Moreover, this Court cannot presume that the respondent/ employer would certainly accept the application seeking VRS submitted by the petitioner so to direct the first respondent not to reject the nomination of the petitioner to contest in the ensuing elections. If the petitioner is qualified as on the date of nomination, the competent authority may consider his candidature. We express no opinion.

Writ petition is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
16.03.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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