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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 407 of 2026

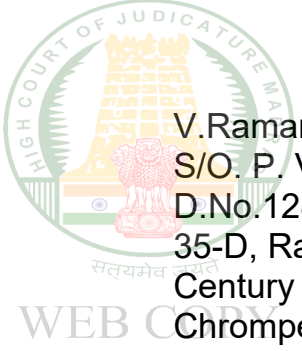
AND

CMP NO. 3765 OF 2026

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited,
800, Anna Salai,
Chennai-02
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited,
800, Anna Salai, Chennai 600 002.
3. The Chief Engineer / O And M
Tamil Nadu Generation and Distribution
Corporation Limited,
CEDC South I, K.K.Nagar, Chennai 600 078.
4. The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Limited,
CEDC South I, K.K.Nagar, Chennai 600 078.
5. The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited,
CEDC South I, K.K.Nagar, Chennai 600 078.
6. The Superintending Engineer
Udumalpet Electricity Distribution Circle,
Udumalaipet,
Tiruppur District 642 126

..Appellant(s)

Vs



V.Ramaraj
S/O. P. Vaiyapuri,
D.No.128, III Floor,
35-D, Rajaji Street,
Century Flats, Radha Nagar,
Chrompet, Chennai 600 044.

..Respondent(s)

Prayer: Appeal filed under clause 15 of Letters Patent to allow the Writ Appeal and set aside the order dated 25.10.2024 in WP.No. 6103 of 2020.

For Appellant(s):	Mr.Anandgopalan for M/s. Advit Law Chambers
For Respondent(s):	Ms.S.S.Jhothivani

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 25.10.2024 passed in WP.No.6103 of 2020.

2.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) is the appellant before this Court. The respondent filed a writ petition claiming the benefit of old pension scheme and all other attendant monetary benefits in the post of Inspector of Assessment.

3.The respondent was appointed on compassionate grounds on account of the death of his father Late P.Vaiyapuri, who died while in Service



on 28.12.1988. An application was submitted seeking appointment on compassionate ground on 10.09.1989. There was a family dispute amongst the legal heirs, which resulted in institution of a civil suit which ended in the year 1993. However, the respondent filed a writ petition in WP.No.11614 of 2000, seeking a direction to consider his application for appointment. In pursuance to the directions issued by this court to consider the application, the Chief Engineer recommended the case of the respondent for providing appointment on compassionate ground vide proceedings dated 28.02.2003. Based on the recommendation, an order of appointment was issued by the appointing authority viz., the Superintending Engineer, Udumalpet Electricity Distribution Circle, vide memo dated 27.05.2003. The said appointment order indicates that the respondent was selected for appointment as Assessor (Trainee) under the scheme of appointment on compassionate grounds. The terms and conditions of appointment and training are also stipulated in the appointment order dated 27.05.2003. The respondent continued in service and retired on 31.03.2018, on attaining the age of superannuation. After a lapse of two years from the date of retirement, he filed Writ Petition in WP.No.6103 of 2020, claiming that he must be granted the benefits under the old pension scheme.

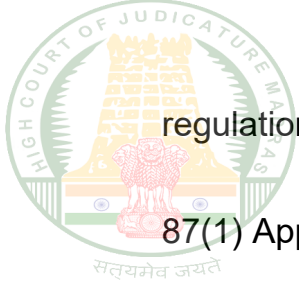
4.The learned counsel for the appellant would mainly contend that the respondent was appointed as Assessor (Trainee) on the 27.05.2003, after the cut off date of 01.04.2003 and therefore, he is entitled for the benefit under the



new pension scheme (ie) Contributory Pension Scheme. New pension scheme was introduced with effect from 01.04.2003 and therefore, the claim set out by the respondent seeking old pension scheme is untenable. The writ Court considered the date of recommendation of the Chief Engineer, (ie) 28.02.2003, which would not confer any right to a candidate, as on 28.02.2003 the respondent was not in service nor appointed. Therefore the writ order is perverse.

5.The learned counsel for the respondent would oppose by stating that after a long battle the respondent would be able to secure an appointment on compassionate grounds. On completion of the family dispute through a civil suit, he filed a writ petition and thereafter, his case was recommended for appointment by the Chief Engineer vide letter dated 28.02.2003. Therefore, the date of recommendation is to be taken into consideration for the purpose of appointment and if the said date is taken, the respondent is eligible under the Old Pension Scheme. Further GPF account was opened when he was in service and subsequently cancelled. Therefore the writ court has granted the relief.

6.This court has considered the rival submissions made between the parties in the list on hand. Let us now consider the definition of appointment under the service regulations. The Tamil Nadu Electricity Board service



regulations Chapter X provides definitions. Regulation 87(1) states as follows:

87(1) Appointed to a class of service:

“A person is said to be “appointed to a class of service” when in accordance with these regulations or in accordance with the Regulations applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of such class of service or commences probation, instruction or training prescribed for members thereof.”

In the context of the above service regulations, the order of appointment issued by the appointing authority vide memo dated 27.05.2003 clearly indicates that the respondent was selected for appointment as Assessor (trainee) under the scheme of appointment on compassionate grounds and the terms and conditions for training have been provided in the said appointment order. It is not in dispute between the parties that the appointment has been made vide proceedings dated 27.05.2003. However, the respondent claims that date of recommendation made by the authority in letter dated 28.02.2003 is to be taken into consideration for the purpose of grant of old pension scheme benefits.

7.This Court is of the considered view that the date of application or date of processing of application or the recommendation would not confer any right on the applicant to seek appointment. Only after appointment of a person into service the service right accrues. The processes or the

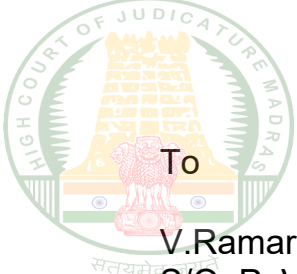


recommendations or participation in the selection would not confer any service right. Therefore, the very basis for claiming the benefit of old pension scheme based on the recommendation dated 28.02.2003 is untenable and beyond the scope of the principles of service jurisprudence. In the present case, the date of actual appointment was made in memo dated 27.05.2003 and the said date alone is to be taken into consideration for grant of service benefits and the pension benefits under the rules applicable. New pension scheme came into force with effect from 01.04.2003. Therefore the respondent is eligible to avail the benefit of the contributory pension scheme (new pension scheme). Any erroneous entry corrected subsequently *per se* would not provide any right to claim the benefit under the Old pension scheme. Thus the writ Court has committed an error ascertaining the service right of the respondent which would accrue only from the date of actual appointment and not from the date of recommendation.

8. In view of the above factual and rule position, the writ order dated 25.10.2024 passed in WP No.6103 of 2020 is set aside and accordingly, the Writ Appeal stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (N.S.,J.)
02-07-2026

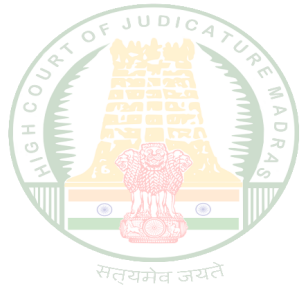
Index: Yes
Speaking order
Neutral Citation: Yes
sai



To

V.Ramaraj
S/O. P. Vaiyapuri,
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Century Flats, Radha Nagar,
Chrompet, Chennai 600 044.

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