

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A. No. 1166 of 2015

The Secretary,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai 600 002.

.. Appellant

vs.

Central Organisation of Tamil Nadu,
Electricity Employees (CITU),
rep. By its General Secretary,
No.13 Mosque Street,
Chepauk, Chennai.5.

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.09.2012 made in W.P.No. 36197 of 2002.

W.P.No.36197/2002:-

This Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the respondent pertaining to letter No.71362/A3/A32/2002-3 dated 13.09.2002 and quash the same and consequently direct the respondent to revise the rate of Dearness Allowance payable to the employees from 45% to 49% of pay with effect from 1st January, 2002 and pay the arrears.

For Appellant : Ms. R. Varalakshmi
For respondent : Mr.M. Muthupandian

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The writ petitioner/ respondent herein is an union of workers in the respondent Board. The issue involved herein is as to whether the members of the writ petitioner union is entitled to payment of dearness allowance at the rate of 49% of the basic pay with effect from 01.01.2002 with arrears, came up for consideration in Tamil Nadu Electricity Board rep. By its Chairman, Chennai - Vs. - TNEB -

Thozhilalar Aykkiya Sangam (W.A.No.497 of 2015). A Division Bench of this Court, dismissed the said writ appeal holding as under:-

" The decision dated 14.09.2012 passed by the learned single Judge in W.P.No.36197 of 2002 (Central Organisation of Tamil Nadu Electricity Employees (CITU) - Vs. - Tamil Nadu Electricity Board), which has been referred to and relied on by the learned Single Judge, has attained finality. In the said decision, only direction issued was that the appellant Board was liable to pay D.A. payable at the revised rate from 01.01.2002 to 30.09.2002 and also the arrears within a period of ten weeks from the date of receipt of a copy of the order. In other respects as to how payment is to be made, the decision was taken earlier in the judicial proceedings, which is not the subject matter of challenge in this petition. We are not inclined to go into the same.

In view of the foregoing, there is no illegality or irregularity, warranting interference, at this stage. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed"

3. Thus, this ***writ appeal** is accordingly dismissed in the same terms. Consequently, connected miscellaneous petition is dismissed. No costs.

Sd/-
Assistant Registrar
Dated:08/09/2015

***Amended as per the order of
this Court dated 30.10.2015.
Sd/-Assistant Registrar
Dated 06.11.2015**

True Copy

Sub Assistant Registrar

To

The Secretary,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai 600 002.

To Substitute the order
already despatched on
10.09.2015

1 cc to Ms. R. Varalakshmi , Advocate Sr.No.44426
1 cc to Mr. M. Muthupandian , Advocate Sr.No.44491

W.A. No. 1166 of 2015

ca(co), pmk.9.9.2015
ca(co), JD 06.11.2015