



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2015

CORAM:

**THE HONOURABLE MR. JUSTICE T. RAJA**

W.P (MD) No. 16205 of 2015

WEB COPY

Somasekaran

... Petitioner

Vs.

1. The Chairman/Managing Director,  
TANGEDCO (Tamil Nadu Generation and  
Distribution Corporation Ltd.,)  
800, Anna Salai,  
Chennai- 600 002.

2. The Superintending Engineer,  
Projects Development Co-ordination,  
144, Anna Salai,  
Chennai- 600 002.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to dispose of the petitioner's application, dated 11.03.2014 seeking to revise the petitioner's pension in terms of the proceedings No.72, dated 22.2.2014 passed by the first respondent, within a time frame fixed by this Court.

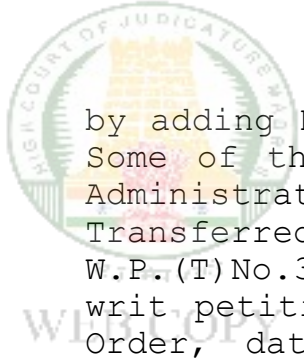
For Petitioner : Mr.M.Saravanan  
For Respondents : Mr.A.U.Ramanathan  
For Electricity Board

#### O R D E R

This writ petition has been filed by Mr.K.Somasekaran, who is the retired employee from the respondents Electricity Board, seeking pensionary benefits in terms of the proceedings No.72, dated 22.2.2014 passed by the first respondent, The Chairman/Managing Director, TANGEDCO (Tamil Nadu Generation and Distribution Corporation Ltd.,) Chennai and dispose of the petitioner's application, dated 11.03.2014, within a reasonable time.

2. Heard the learned counsel appearing for the petitioner. Mr.A.U.Ramanathan, learned counsel takes notice for the respondents.

3. The claim of the petitioner is that, when the petitioner retired from service on 31.08.1994 in the post of Foreman Grade-II, the full Dearness Allowance was not taken into account while calculating the pension. Although, the Government Order, dated 09.08.1989 making it clear that pensionary benefits of an employee retired/retiring on or after 01.06.1988 were required to be computed



by adding Dearness Allowance, but that has not been fully followed. Some of the similarly placed persons jointly approached the State Administrative Tribunal in O.A.No.5771/2001 and the same was Transferred to the Principal Bench of this Court and renumbered as W.P.(T)No.32045 of 2005. Finally, by an order dated 20.04.2006, the writ petition was allowed extending the benefits of the Government Order, dated 01.06.1988 in which the pensionary benefits of an employee retired on or after 01.06.1988 was extended to the similarly placed persons. That was subsequently, challenged in W.A.No.1002 of 2006. Further, the writ petitions filed on the same subject were taken up along with writ appeal in W.A.No.1002 of 2006. By order, dated 17.12.2007, the writ appeal was allowed. As against that order, Kallakurichi Taluk Retired Officials Association, Tirunelveli Corporation City Pensioners Federation, Madurai Association and Tamil Nadu Retired Officers Association have filed the Civil Appeal No.8848 & 8870 of 2012 before the Hon'ble Supreme Court. The Hon'ble Supreme Court also allowed the same on 17.01.2013. Subsequently, accepting the order passed by the Apex Court, the Board has issued a proceedings No.72, dated 22.02.2014 extending certain additional benefits to those retired during 01.06.1988 to 31.12.1995. Subsequently, the petitioner made a representation on 11.03.2014 to the first respondent even after several months, the first respondent has not come forward to dispose of the representation.

4. Therefore, this Court, without going into the merits of the matter, hereby directs the first respondent to consider the petitioner's representation dated 11.03.2014 and connected records and dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman/Managing Director,  
TANGEDCO (Tamil Nadu Generation and  
Distribution Corporation ltd.,)  
800, Anna Salai, Chennai- 600 002.
  2. The Superintending Engineer,  
Projects Development Co-ordination,  
144, Anna Salai, Chennai- 600 002.
- +One cc to Mr.R.J.Karthick, Advocate, SR.No.52249

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RL/ 4c- 30/9/2015

<https://hcservices.ecourts.gov.in/hcservices/>

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