

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.28098 of 2016

R.Marudhan

.. Petitioner

Versus

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
Administration and Procurement,
Ennore Thermal Power Station,
Chennai-600 057.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction the pension benefits to the petitioner taking into account of the entire period of service with the respondents including the period of service as helper from 01.08.1986 to 30.04.1999 through INDCOSERVE SOCIETY along with the regular service with the respondent department based on the petitioner's representation dated 11.03.2016 before the 2nd respondent.

For petitioner : Mr.C.Prabakaran

For Respondents : Mrs.R.Varalakshmi
Standing counsel

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The case of the petitioner is that he was appointed as contract worker initially at Ennore Thermal Power Station during the year 1980. Thereafter, he was appointed as a contract worker at the very same Station through INDCOSERVE SOCIETY as contract labour from 01.08.1986 to 30.04.1999. During the course of his employment, the Tamil Nadu Electricity Board has also deducted amount from his salary towards pension and

provident fund. The provident fund account number was assigned as TN/19676/400. It is further submitted that after a long legal battle the contract workers who were appointed through the co-operative society (INDCOSERVE) were directed to be absorbed in service by this Court as well as Hon'ble Apex Court. Accordingly the petitioner was absorbed as a regular employee with the respondent department as helper on 30.10.1999 by the proceedings of the Executive Engineer, Ennore Thermal Power Station, Ennore, Chennai. Since then the petitioner was working as a probationary employee for a period of 9 months and thereafter his service was regularized by the proceedings of the second respondent dated 14.02.2001 and he has been continuing in service with the second respondent. It is contended by the petitioner that the respondents has not passed any order for the purpose of taking into account the temporary service rendered by him along with his regular service for calculating his pension. Similarly, many of his colleagues, who retired from service, were denied such benefits and they were been awarded pension and retiral benefits only from the date of appointment in regular service with the second respondent and only a nominal amount of retiral benefits were awarded. Aggrieved by the same, similarly affected persons made representation to their respective authorities namely the Tamil Nadu Electricity Board for taking into account the temporary service rendered by them along with the regular service for the purpose of calculating pension and other benefits. The department rejected such a request made by the similarly placed persons. Challenging one such order of rejection, WP (MD) No. 11604 of 2009 has been filed before this Court. This Court, by order dated 27.02.2014, set aside the order of rejection and directed the respondents to count the temporary service rendered by the petitioner therein along with regular service for the purpose of calculating pension and other benefits based on G.O.Ms.No.408, Finance (Pension Department) dated 25.08.2009. Accordingly the service of the petitioner therein was calculated and he was paid pension.

3. As regards the petitioner, his superannuation falls during the year 2021 and therefore, seeking to count the past service along with his regular service, for the purpose of calculating pension and other benefits, the petitioner has submitted a representation dated 11.03.2016 to the second respondent. Since there is no order passed by the respondents on such representation, he has filed this writ petition.

4. The learned counsel for the petitioner would submit that this Court in W.P.(MD)No.11604 of 2009 dated 27.02.2014 has directed the respondents therein to count the entire service rendered by the petitioner therein as helper from 02.05.1987 to 31.04.1999 through INDCOSERVE along with qualifying service to sanction the pensionary benefits to the petitioner from the date of his retirement with all monetary and attendant benefits. The

petitioner herein is similarly placed and therefore, the benefit of the order dated 27.02.2014 can be directed to be extended by the respondents in favour of the petitioner as well.

5. On the above contention, this Court heard the learned Standing counsel for the respondents.

6. Admittedly, the petitioner rendered temporary service from 1980 till 1999 and thereafter, his service was regularised as Helper during the year 1999. The petitioner has submitted a representation dated 11.03.2016 to the second respondent seeking to count the temporary service rendered by him along with the regular service for the purpose of calculating terminal and pensionary benefits on his retirement during the year 2021. The representation dated 11.03.2016 is pending on the file of the second respondent. Therefore, suffice to state that the second respondent shall consider the representation of the petitioner dated 11.03.2016 and pass orders thereon on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion as regards the merits of the claim made by the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

arr/rsh

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
Administration and Procurement,
Ennore Thermal Power Station,
Chennai-600 057

+1 cc to Mr.Camyles Gandhi Advocate sr 46073/16

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aa07/09/2016