



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

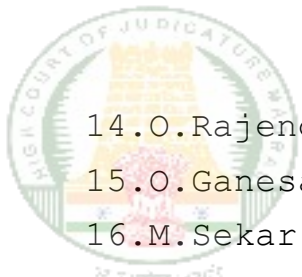
W.A. (MD) No.447 of 2011

M.Murugesan

... Appellant

-Vs-

1. The Chairman,
Tamilnadu Electricity Board,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer (Personnel),
Tamilnadu Electricity Board,
VIII Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
Theni Electricity Distribution Circle,
N.R.T.Road, Theni,
Theni District.
- 4.P.Paulraj
- 5.N.Singaraj
- 6.M.Thangavelu
- 7.S.K.Pandian
- 8.P.Neerar
- 9.U.Chellaiah
- 10.P.Muniasamay
- 11.R.Subburaj
- 12.M.Paramasivan
- 13.P.Pouniah



14.O.Rajendran

15.O.Ganesan

16.M.Sekar

17.N.Balachandar

...Respondents

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order passed in W.P.(MD)No.7786 of 2008 dated 08.09.2008 by allowing this writ appeal and to quash the orders of the 2 and 3 respondents made in their Letter No.092951/479/G.26/G.261/2008 dated 29.07.2008 and Endt.No.A.Adm.O/ADM.I/A.2/F.Doc/CR.No.010431/2008 dated 13.08.2008.

Prayer in WP(MD). 7786/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd and 3rd respondents made in Letter No. 092951/479/G.26/G.261/2008 dated 29/07/2008 and Endt. No. A. Adm. O./ADM.I/A.2/F.Doc/CR.No. 010431/2008 dated 13/08/2008 and quash the same as devoid of merits and direct the respondents not to recover the pay and allowances already received by the petitioners

For Appellant : Mr.Ananth C.Rajesh

For Respondents : Mr.Dayalan

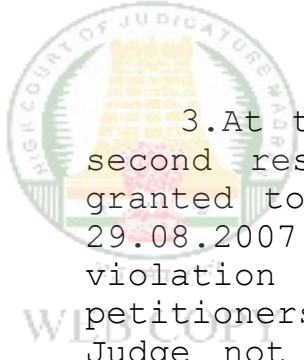
Standing Counsel for TNEB

JUDGMENT

[Judgment of the Court was made by G.R.SWAMINATHAN, J.]

This writ appeal has been filed by one of the unsuccessful writ petitioner in W.P.(MD)No.7786 of 2008. The said writ petition was filed by the appellant herein along with 14 others.

2.According to the writ petitioners, they were appointed in the year 1982 in Tamil Nadu Electricity Board in the post of Assessor and their services were regularized by order dated 01.12.1983. Since there was no promotional avenue for the newly created cadre of Assessor, representations were sent to the authorities, who decided to give Selection Grade and Special Grade to the petitioners. The third respondent herein issued an order dated 29.08.2007 to that effect. According to the petitioner, since they were appointed in the year 1982, they have moved to Special Grade on completion of 20 years of service.



3. At this Stage, the writ petitioners were informed that the second respondent had directed recovery of pay and allowances granted to them by the third respondent herein vide order dated 29.08.2007. Contending that the said order was passed in violation of the principles of natural justice, the writ petitioners filed WP(MD).No.7786 of 2008. The learned Single Judge not finding any merit in the writ petition dismissed the same at the admission stage on 18.09.2008. Aggrieved by the same, one of the writ petitioners alone has filed the intra Court appeal.

4. We have heard the learned counsel for the parties and also perused the materials on record.

5. It is true that the third respondent herein passed the order dated 29.08.2007 to the effect that the employees mentioned in the Annexure were ordered to be moved to Special Grade posts in their respective cadres with effect from the dates noted against each of their names on completion of 20 years of regular service. It was further ordered that their pay in the Special Grade posts would be fixed in the time scale of pay attached to the said posts and that they were permitted to draw arrears. Subsequently by the impugned letter dated 29.07.2008, it was clarified that the period of contract service rendered as Assessors could not be taken into account for both movements to Selection Grade and Special Grade. What was clarified by the impugned order dated 29.07.2008 was that the request of the individuals to count the period of contract services for movement to Special Grade could not be considered.

6. The Selection Grade and Special Grade are awarded to relieve stagnation in a post that has not promotional avenue. But for calculating the period of service for conferring selection grade and special grade, the regular service put in by the employee alone can be taken into account. The question of including the period of contract service can not arise. It is this that has been clarified in the impugned order dated 29.07.2008. Therefore, no exception can be taken to the order impugned in the writ petition. The learned Judge was right in dismissing the writ petition. We find no merit in the writ appeal. The writ appeal is accordingly, dismissed.

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar



To

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3. The Superintending Engineer,
Theni Electricity Distribution Circle,
N.R.T.Road, Theni,
Theni District.

+1 cc to Mr.Ananth C.Rajesh , Advocate in SR.No. 68013

skm/smi

AE/KK/SAR4/09.08.2017/4P/5C

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