



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) Nos. 2347 to 2352 of 2018

1.D.Ravichandran	..Petitioner in WP(MD)No.2347/2018
2.V.S.Bose	..Petitioner in WP(MD)No.2348/2018
3.S.Jesudasan	..Petitioner in WP(MD)No.2349/2018
4.D.Muthulakshmi	..Petitioner in WP(MD)No.2350/2018
5.A.H.Abdul Sathar	..Petitioner in WP(MD)No.2351/2018
6.S.Angusamy	..Petitioner in WP(MD)No.2352/2018

Vs.

1.Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), (formerly TNEB),
Rep. by its Chairman/Director,
144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.

... Respondents 1&2 in
WP(MD)Nos.2350/18
1st Respondent in WP(MD)No.2351/2018

3.The Chief Engineer/Distribution,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
K.Pudur,
Madurai-7.

... Respondents 1 to 3 in WP(MD)No.2349/2018
and 2nd Respondent in WP(MD)No.2351/2018

4.The Superintending Engineer,
Madurai Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
K.Pudur, Madurai-7.

... 1st to 4th respondents in
WP(MD)Nos.2347, 2348/2018 and
WP(MD)No.2352/2018
3rd Respondent in WP(MD)No.2351/2018



4.The Superintending Engineer,
Sivaganga Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO), Marudhupandiyar Nagar,
Sivagangai,
Sivagangai District ...4th Respondent in WP(MD)No.2349/2018

6.The Superintending Engineer (Administration)
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tuticorin ...3rd Respondent in WP(MD)No.2350/2018

7.The Executive Engineer,
TANGEDCO, West Arasaradi,
Madurai ... 4th Respondent in WP(MD)No.2351/2018

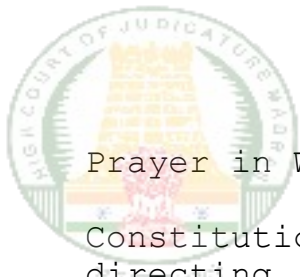
Prayer in WP(MD)No.2347/2018: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third and fourth respondents to sanction annual increment to the petitioner which fell due on 01.07.2012 by considering the service rendered by the petitioner from 01.07.2011 to 30.06.2012 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the petitioner with all consequential benefits within the time period stipulated by this Court.

Prayer in WP(MD). 2348/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus for a direction, directing the Respondent No.3 and 4 to sanction annual increment to the Petitioner which fell due on 01.10.2006 by considering the service rendered by the Petitioner from 01.10.2005 to 30.09.2006 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the Petitioner with all consequential benefits within the time period stipulated by this Hon'ble Court.

Prayer in WP(MD). 2349/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondent No.4 to sanction annual increment to the Petitioner which fell due on 01.10.1999 by considering the service rendered by the Petitioner from 01.10.1998 to 30.09.1999 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the Petitioner with all consequential benefits with the time period stipulated .



Prayer in WP(MD). 2350/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondent No.3 to sanction annual increment to the Petitioner which fell due on 01.07.2005 by considering the service rendered by the Petitioner from 01.07.2004 to 30.06.2005 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the Petitioner with all consequential benefits within the time period stipulated.

Prayer in WP(MD). 2351/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus for a direction, directing the Respondent No.4 to sanction annual increment to the Petitioner which fell due on 01.01.2006 by considering the service rendered by the Petitioner from 01.01.2005 to 31.12.2005 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the Petitioner with all consequential benefits within the time period stipulated by this Hon'ble Court.

Prayer in WP(MD). 2352/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus for a direction, directing the Respondent No.4 to sanction annual increment to the Petitioner which fell due on 01.10.2005 by considering the service rendered by the Petitioner from 01.10.2004 to 30.09.2005 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the Petitioner with all consequential benefits within the time period stipulated by this Hon'ble Court.

For petitioner
For respondents

: Mr. T.Lajapathi Roy
: Mr. Dayalan
Standing Counsel
(in all writ petitions)

O R D E R

Heard the learned Counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioners in all these writ petitions are retired employees of Tamil Nadu Generation and Distribution Corporation Limited, (formerly Tamil Nadu Electricity Board). In all these



cases the annual increment due to them fell one day after they retired from service. It was not sanctioned. Therefore, the petitioners have filed these writ petitions for sanctioning the said annual increment and for consequential re-fixation of the pension.

4. When the matter was taken up for disposal, the learned Standing Counsel appearing for the respondents contended that in view of Board proceedings dated 05.02.2018 amending the Regulation 36 of Tamil Nadu Electricity Board Service Regulations, these writ petitions will have to be dismissed.

5. This Court is unable to accept the said submission of the learned Standing Counsel. In all these cases, petitioners retired long time back. Therefore, their cases will have to be considered in the light of pre-amendment position.

6. As rightly contended by the learned Counsel for the petitioner, the issued on hand is no longer *res integra*. This Court by order dated 17.07.2017 in W.P.(MD).No.5190 of 2016 held that Tamil Nadu Generation and Distribution Corporation Limited will have to necessarily sanction the increment, even if it fell due one day after the employee had retired. The case on hand is absolutely similar.

7. Therefore all the writ petitions stand allowed. The respondents are directed to issue appropriate orders and also refix the pension of the writ petitioners within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Chairman/Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), (formerly TNEB),
144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO), 144, Anna Salai,
Chennai - 600 002.

3.The Chief Engineer/Distribution,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO), K.Pudur, Madurai-7.



4.The Superintending Engineer,
Madurai Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),K.Pudur, Madurai-7.

5.The Superintending Engineer,
Sivaganga Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO), Marudhupandiyar Nagar,
Sivagangai,
Sivagangai District

6.The Superintending Engineer (Administration)
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tuticorin

7.The Executive Engineer,
TANGEDCO, West Arasaradi,
Madurai

+1cc to Mr.T.Lajapthi Roy,Advocate, SR.No.48357

kmi

RL/9C/5P/KKR/SAR3/19/4/2018

ORDER MADE IN

W.P. (MD) .No.2347 of 2018

13.02.2018