



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2018**

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CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

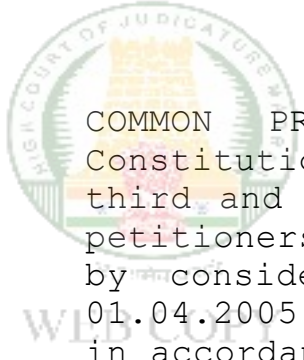
W.P. (MD) Nos. 2747 to 2748 of 2018

S.Benjamin Joshua .. Petitioner in W.P.(MD).No.2747 of 2018

N.Santhana Gopalakrishnan .. Petitioner in
W.P.(MD).No.2748 of 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 in both Writ Petitions
3. The Superintending Engineer,
Tuticorin Electricity System,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
Tuticorin - 628 002. .. 3rd Respondent in
W.P.(MD).No.2747 of 2018
4. The Chief Engineer/Distribution,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
K.Pudur, Madurai - 7.
- 5.The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
Ramanathapuram District - 623 503. .. Respondents 3 & 4 in
W.P.(MD).No.2748 of 2018



COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third and fourth respondents to sanction annual increment to the petitioners which fell due on 01.04.2006 & 01.10.2006 respectively by considering the service rendered by the petitioners from 01.04.2005 to 31.03.2006 and 01.10.2005 to 30.09.2006 respectively 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.

For petitioner : Mr. S.Rajasekar
for M/s.T.Lajapathi Roy
(in both petitions)
For respondents : Mr. A.V.Ramanathan
Standing Counsel
(in both writ petitions)

O R D E R

Heard the learned Counsel on either side.

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

3. The petitioners in both the writ petitions are retired employees of Tamil Nadu Generation and Distribution Corporation Limited, (formerly Tamil Nadu Electricity Board). In both the 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 brought to the notice of this Court that vide Board proceedings dated 05.02.2018, Regulation 36 of Tamil Nadu Electricity Board Service Regulations stood amended. Citing the said amendment, the learned Standing Counsel contended that 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 the pre-amendment position.

6. As rightly contended by the learned Counsel for the petitioners, the writ petitions are not barred by the order dated 17.07.2017 in W.P.(MD).No.5190 of 2016 held that Tamil Nadu Generation and Distribution Corporation Limited

<https://hcscservices.in/hcscservices/>

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(T&P)

/True Copy/

Sub Assistant Registrar

To

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5. The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
Ramanathapuram District - 623 503.

+ 2 ccs TO Mr.T.Lajapathi Roy , Advocate in SR Nos. 48363 & 48364

kmi

AE/SKN RSK/SAR1/04.04.2018/3P/8C