



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) Nos.8636 to 8638 of 2018

M.VAIYAPURI	... PETITIONER IN W.P.8636/2018
P.VELLAICHAMY	... PETITIONER IN W.P.8637/2018
M.SAHAHJAHAN	... PETITIONER IN W.P.8638/2018

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.
- 3.THE SUPERINTENDING ENGINEER,
DINDIGUL DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (TANGEDCO)
MEENATCHI NAICKENPATTI,
DINDIGUL - 624 002.
- 4.THE EXECUTIVE ENGINEER,
NORTH DIVISION,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (TANGEDCO)
MEENATCHI NAICKENPATTI,
DINDIGUL - 624 002. ...RESPONDENTS IN WP (MD) NOS.8636 & 8637/2018
- 5 THE SUPERINTENDING ENGINEER,
RAMANATHAPURAM ELECTRICITY DISTRIUBUTION CIRCLE,
TAMILNADU GENERATION & DISTRIBUTION CORPORATION LIMITED (TANGEDCO)
RAMANATHAPURAM DISTRICT- 623 503.
- 6 THE EXECUTIVE ENGINEER,
DISTRIBUTION AND MAINTENANCE,
TAMILNADU GENERATION & DISTRIBUTION CORPORATION LIMITED (TANGEDCO),
PARAMARUDI 623 707,
RAMANATHAPURAM DISTRICT. ...Respondents in WP (MD).8638/ 2018



Prayer in WP(MD). 8636/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, 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 01.04.2001 by considering the service rendered by the Petitioner from 01.04.2000 to 31.03.2001 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). 8637/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, 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 01.04.1991 by considering the service rendered by the Petitioner from 01.04.1990 to 31.03.1991 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). 8638/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent No.4 to sanction annual increment to the Petitioner which fell due on 01.10.2007 by considering the service rendered by the Petitioner from 01.10.2006 to 30.09.2007 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.

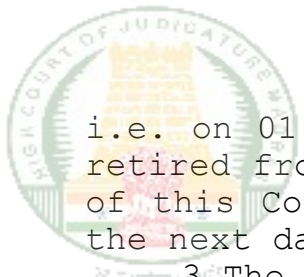
For Petitioners : Mr.Aswin Rajasimman for
M/s.T.Lajapathi Roy (in all WPS)

For Respondents : Mr.S.Dhayalan (in all WPs)

C O M M O N O R D E R

The prayer sought for herein is for a writ of Mandamus, directing the respondents Nos.3 and 4 to sanction annual increment to the respective petitioners which fell due on 01.04.2001, 01.04.1991 and 01.10.2007 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.

2.In W.P.(MD) No.8636 of 2018, the petitioner retired from service on 31.03.2001 and he therefore seeks indulgence of this Court for sanctioning of notional increment which falls on the next date of his retirement i.e. on 01.04.2001. Likewise, in W.P.(MD) No.8637 of 2018, the petitioner retired from service on 31.03.1991 and he therefore seeks indulgence of this Court for sanctioning of notional increment which falls on the next date of his retirement



i.e. on 01.04.1991 and in W.P.(MD) No.8638 of 2018, the petitioner retired from service on 30.09.2007 and he therefore seeks indulgence of this Court for sanctioning of notional increment which falls on the next date of his retirement i.e. on 01.10.2007.

3. The learned counsel appearing for the petitioners submits that the relief sought for herein in similar circumstances have already been considered by this Court in a number of cases and in this regard, the learned counsel produced the order passed by the learned Judge of this Court dated 17.07.2017 in W.P.(MD) No.12636 of 2016 and a latest order dated 13.02.2018 made in W.P.(MD) Nos.2747 and 2748 of 2018.

4. The learned counsel appearing for the petitioners having relied upon these decisions would submit that the issue raised in these writ petitions is covered by the said decisions and also some other decisions and therefore, the issue raised herein is no more res integra and therefore, the prayer sought for herein can be granted.

5. The learned standing counsel appearing for the respondent Corporation also would not be in a position to controvert the said factual position that in number of cases, similar issue has been considered by this Court, wherein, orders have been passed, directing the respondents to sanction the notional increment which fell on the next date to the date of superannuation or retirement of the employee. Taking into account the facts of the cases, as it is covered by a number of decisions as referred by the learned counsel for the petitioners, these writ petitions are disposed of with the following direction:

The respondents are directed to sanction the notional increment which falls on the next date to the superannuation of the respective petitioners as per the dates indicated above and accordingly, calculate the pay and pensionary benefits and disburse the same, within a period of six weeks from the date of receipt of this order to the respective petitioners and the respondents shall further continue to pay the revised pensionary benefits to the respective petitioners.

6. With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

+3CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 62408 to 62410

W.P(MD) Nos.8636 to 8638 of 2018
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