



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.6595 of 2017

WEB COPY

A.Maharaja

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamilnadu Generation and Distribution Corporation,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation,
Madurai Distribution Circle,
Madurai-7.

... Respondents

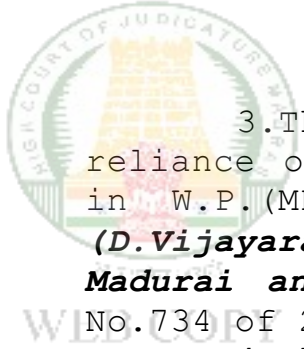
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent pertaining to its order Ka.No.00600/647/ Me.Po./ Ma.Me.Pa.Va/ Madu.Ne.A/Ne.Pe.II/Oo.3/16 dated 27.01.2017 and quash the same and consequently direct the respondents to sanction and grant pension counting the petitioner's service rendered with Tamilnadu Water Supply and Drainage Board from 19.09.1984 to 15.11.1987 along with the service in the Tamil Nadu Generation and Distribution Corporation.

For petitioner : Mr.S. Sivakumar
For R1 & R2 : Mr.S. Dhayalan

O R D E R

Heard, the learned counsel on either side.

2.The petitioner joined as a Fitter on 19.09.1984 in TWAD Board. Subsequently, he resigned from TWAD Board and got relieved with effect from 16.11.1987. This is because he got a appointment as Helper in TNEB. He joined TNEB on 16.11.1987. He retired from service on 30.06.2015. The question that is raised in this writ petitioner is whether the petitioner is entitled to count the services he rendered in TWAD Board from 19.09.1984 to 15.11.1987 for the purpose of pension. The request made by the writ petitioner herein was rejected by the second respondent by order dated 27.01.2017. The same is assailed in this writ petition.



3.The learned counsel appearing for the petitioner placed reliance on the decisions rendered by the Hon'ble Division Bench in W.P.(MD)No.13048 of 2006 reported in **2009 III MLJ 1005 (D.Vijayarangan v. Secretary, Sales Tax Appellate Tribunal, Madurai and Others)** and the order dated 24.02.2012 in W.A.(MD) No.734 of 2010.

4.This Court is unable to agree with the said contention raised by the learned counsel for the petitioner. TANGEDCO is the statutory corporation. The petitioner did not join TANGEDCO/ TNED after getting NOC from the former employer. In fact, he did not apply for employment in TNEB through his former employer. In this circumstances, TANGEDCO cannot be called upon to pay pension for the services put in by the petitioner in another public sector undertaking.

5.In the impugned order it has been mentioned that there is no provision for awarding pension for the service put in by the TANGEDCO employees in some other undertaking or board. The petitioner wants to enforce some pensionary rights. It must be with reference to a statutory provision or Government Order. In this case, the petitioner has not drawn the attention of this Court to any such legal provision. In these circumstances, this Court finds that the reason assigned in the impugned order is justified. There is no merit in this writ petition. It stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S. Sivakumar, Advocate SR.No.47013

PNN/SKM

VB/KKR/SAR4/19/03/2018/2P/2C

**ORDER MADE IN
W.P. (MD) No.6595 of 2017
07.02.2018**