



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.17810 of 2013

M.Nelson

... Petitioner

Vs

1. The Chairman & Managing Director,
Tamil Nadu Generation & Electricity,
Distribution Corporation Co., Ltd.,
144, Anna Salai, Chennai02.
2. The Chief Engineer Personnel,
TANGEDCO,
144, Annasalai, Chennai-2.
3. The Superintending Engineer,
TANGEDCO,
Kanyakumari Electricity Distn. Circle,
Nagercoil-3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant petitioner's pension on par with petitioner junior the said Sr.N.Victor Gnanadhas as prayed for in petitioner representation, dated 15.02.2013.

For Petitioner : Mr.R.Thangasamy
For Respondents : Mr.AU.Ramanathan

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to grant pension on par with the Junior one Mr.N.Victor Gnanadhas.

2.This Court is of an opinion that claiming equal pension on par with the Junior is impermissible. The Fundamental Rules in respect of claiming of Scale of pay on par with the Junior is applicable only to the in-service candidates. In respect of pension, there cannot be any comparison with the Junior, in view of the fact that the pension is granted under the Pension Rules, more specifically, based on the last drawn pay by the individual concerned. On various reasons, there is a possibility of variation of pension between the Junior and Senior. Thus, the comparison of



Junior in respect of pension is certainly impermissible and the claim itself is untenable.

3.This apart, the respondents have categorically stated that the petitioner was promoted as Revenue Supervisor as per the seniority when his turn came. The seniority fixed 2762 A to the petitioner is below the seniority of Thiru.Victor Gnanadhas, which is 2752A. Thus, the petitioner cannot claim seniority quoting Thiru.Victor Gnanadhas as his junior. In fact, the said Thiru.Victor Gnanadhas is senior to the petitioner throughout the service.

4.May that it be, this Court is of an opinion that the very claim made by the writ petitioner after several years from the date of retirement, cannot be considered. Secondly, there cannot be any stepping up of pension on par with the junior under the Pension Rules, which is not contemplated at all. This being the factum of the case, no further adjudication is required in this writ petition.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman & Managing Director,
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2. The Chief Engineer Personnel,
TANGEDCO,
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3. The Superintending Engineer,
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Nagercoil-3.

AM

VB/SV/MMS/SAR2/28.03.2018/2P/4C

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