



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 9093 of 2015

WEB COPY

Kulandairaj

... Petitioner

vs.

1. The Superintending Engineer
Tuticorin Thermal Power Station
Tamilnadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
Tuticorin-4
Tuticorin District

2. The Superintending Engineer (Distribution)
Tamilnadu Generation and
Distribution Corporation Ltd., (TANGEDCO)
Nagercoil, Kanyakumari District

3. Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
144, Anna Salai, Chennai-600 002
rep. by its Chairman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to sanction the pension benefits to the petitioner from the date of retirement taking into account his entire period of service with the respondents including the period of service through contractors.

For Petitioner : Mr. V. Kannan
For Respondents : Mr. S. Dhayalan

O R D E R

The relief sought for in the present writ petition is to direct the respondents to sanction the pensionary benefits to the writ petitioner from the date of his retirement taking into account his entire period of service with the respondents, including the period of service rendered by him through the contractors.

2. The period of service rendered by the employee with the contractors can never be reckoned for the purpose of calculating the qualifying period of service for the grant of pensionary benefits. Such a service rendered with the contractors cannot be construed as the service rendered with the respondent / TANGEDCO. This apart, daily wage employees as well as the contract employees are not entitled for the benefit of counting the period of temporary service rendered by them for the purpose of reckoning the qualifying period



of service for the grant of pensionary benefits in accordance with law.

3. This being the legal principles now settled by the Courts, this Court is of the considered opinion that the period of service rendered by the writ petitioner with the contractors on daily wage basis cannot counted for the purpose of reckoning the qualifying period of service for grant of pensionary benefits.

4. Accordingly, the writ petition stands dismissed. No costs.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Superintending Engineer,
Tuticorin Thermal Power Station,
Tamilnadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
Tuticorin-4
Tuticorin District
2. The Superintending Engineer (Distribution)
Tamilnadu Generation and
Distribution Corporation Ltd., (TANGEDCO)
Nagercoil, Kanyakumari District
3. The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
144, Anna Salai, Chennai-600 002

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