



WEB COPY

W.A(MD).No.1337of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A(MD).No.1337 of 2019

Valliammal

.. Appellant

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-2.

2.The Internal Audit Officer (Pension),
Audit Branch,
No.144, Annasalai,
Chennai.

3.The Superintending Engineer,
Tirunelveli Distribution Circle,
Tirunelveli.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD).No.11876 of 2014 dated 19.07.2019.

Prayer in WP(MD). 11876/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representaiton dated 23.01.2012 and pass orders extending the benefit of ex-gratia to the petitioner as per B.P. (Ch) No. 151 dated 03.07.93.

For Appellant	: Mr.H.Arumugam
For Respondents	: Mr.T.Sakthikumaran
	Standing Counsel for TNEB

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.H.Arumugam, learned counsel appearing for the appellant and Mr.T.Sakthikumaran, learned Standing Counsel appearing for the respondent board.

2.This appeal has been filed by the writ petitioner challenging the order made in W.P(MD).No.11876 of 2014, dated 19.07.2019. In fact, the writ petition was filed for an innocuous relief to consider the appellant's representation, dated 23.01.2012, in which, the appellant requested for extending the ex gratia

<https://hcservices.ecourts.gov.in/hcservices/>



benefit in terms of BP.(Ch) No.151, dated 03.07.1993. The learned Writ Court adjudicated the correctness of the claim and submitted that the benefit of BP.(Ch) No.151 cannot be extended to the appellant.

3.The learned counsel for the appellant pointed out that the board had considered the representation of regular work establishment employees, who have retired prior to 01.07.1986 and those who are alive and benefit was extended by BP No.15, dated 18.02.2006 directing payment of sum of Rs.605/- towards ex gratia for those who retired prior to 01.07.1986 and those who are alive subject to the condition that where contributory provident fund/Non pensionable establishment employees in respect of family pension under the Extraordinary Pension Rule, the ex gratia payment under those orders shall not be admissible. He further submitted that this submission was not considered by the learned Writ Court.

4.We have heard Mr.T.Sakthikumaran, learned Standing counsel for the respondent Board, who has accepted notice on behalf of the respondents on our instructions, has pointed out earlier the appellant came before the Court only for a direction to consider his representation and the entitlement of the appellant was rather premature, because no counter affidavit was filed by the respondent board in the writ petition.

5.Therefore, we are of the view that first respondent should take a decision on the representation and if agree, it is always open to the appellant to work out his remedy in accordance with law.

5.For such reasons, this Writ Appeal stands allowed and order passed in the writ petition is set aside and the findings therein are vacated and left open. The third respondent, namely Superintending Engineer, Tirunelveli Distribution Circle or any other competent authority of the respondent board to consider the appellant's representation, dated 23.01.2012 and pass order on merits and in accordance with law, within a reasonable time not later than six weeks from the date of receipt of a copy of this order.

6.The appellant is directed to submit a fresh representation along with the copy of this order and copy of the earlier representation, dated 23.01.2012 for consideration of the third respondent. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-2.
- 2.The Internal Audit Officer (Pension),
Audit Branch,
No.144, Annasalai,
Chennai.
- 3.The Superintending Engineer,
Tirunelveli Distribution Circle,
Tirunelveli.

+1 CC to Mr.H. ARUMUGAM, Advocate (SR-102044[F] dated 28/11/2019)

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-102331[F] dated
28/11/2019)

JUDGMENT MADE IN
W.A (MD) .No.1337 of 2019
26.11.2019

VB(13.12.2019) 3P 6C