



W.P.(MD)No.17316 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD)No.17316 of 2015

and

M.P(MD)No.1 of 2015

C.Pavanasam

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Tuticorin Urban Division,
Tuticorin - 2,
Tuticorin District.

3.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Tuticorin Urban Division,
Tuticorin - 2,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order passed by the 3rd respondent



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in his proceedings க.எண்.8034, உநிஅ, நிபி, உ3, கோ.உ.உ., 2014 dated 27.08.2014, on the ground that the same is arbitrary, illegal and without jurisdiction consequently directing the respondents to disburse all the benefits, increments, Grade Pay, Pension arrears from 2010 to till date.

For Petitioner : Mr.R.Meenakshi Sundaram

For Respondent-1: Mr.D.Muruganandham
Addl.Govt.Pleader

For Respondents: Mr.T.Sakthikumaran
(R2 & R3)

O R D E R

The impugned order, dated 27.08.2014 states that the benefit of 3% increase in pay is granted to the employees, who served more than 30 years in the Board, as per the Board Proceedings No.57, dated 19.02.2014.

2. The learned counsel for the petitioner states that the petitioner served more than 35 years and therefore, the said benefit is to be extended to the petitioner.

3. However, the Board Proceedings, dated 19.02.2014, categorically enumerates that the benefit of 3% increase in pay is granted from the date of the Board proceedings, i.e., 19.02.2014. However, the petitioner voluntarily retired from service on 01.01.2013, prior to the issuance of the Board proceedings. The Board proceedings cannot be applied retrospectively so as to extend the 3% enhancement in scale-of-pay, as claimed by the petitioner. Thus, the reasons stated in the impugned order is in consonance with the legal principles settled and the Writ Petitioner has not made out any acceptable ground. Accordingly, the Writ Petition stands



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dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

MPK

To

1.The Secretary,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Tuticorin Urban Division, Tuticorin - 2,
Tuticorin District.

3.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Tuticorin Urban Division,
Tuticorin - 2, Tuticorin District.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-24508[F]
dated 08/12/2020)

+1 CC to SGP (SR-24631[F] dated 09/12/2020)

+1 CC to M/s.R.MEENAKSHI SUNDARAM, Advocate (SR-
24750[F] dated 09/12/2020)

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NR 16.12.2020 (3P:7C)