

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 8675 of 2006

and

W.M.P. Nos. 851 and 9631 of 2006

Central Organization of Tamil Nadu
Electricity Employees,
(Registration No.158/CPT),
Represented by its General Secretary,
27, Old No.13, Chepauk,
Chennai - 600 005. Petitioner

-vs-

Tamil Nadu Electricity Board,
Represented by its Chairman,
800, Anna Salai,
Chennai 600 002. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration declaring that (permanent) B.P. (FB) No.18 dated 01.03.2006 passed the respondent Board is illegal and unconstitutional and consequently direct the respondent Board to continue to pay pension to the Board's employees on the same basis as before the aforesaid order.

For Petitioner : Mr.K.M.Ramesh
Special Government Pleader
For Respondent : Mr.Karthik Rajan
Standing counsel

O R D E R

The prayer sought for herein is for a Writ of Declaration declaring that (permanent) B.P. (FB) No.18 dated 01.03.2006 passed by the respondent Board is illegal and unconstitutional and consequently direct the respondent Board to continue to pay pension to the Board's employees on the same basis as before the aforesaid order.

2. When this Writ Petition is taken up for final hearing today, Mr.Karthik Rajan, learned Standing counsel appearing for the respondent / TANGEDCO has submitted that, the very impugned Board Proceedings, i.e., B.P.(F.B.) No.18 dated 01.03.2006 has subsequently been cancelled and the amendment has been taken effect in the relevant regulation and it has also been deleted by issuance of Board Proceedings No.24 dated 13.05.2013. In support of his contention, he has produced the copy of the Board Proceedings dated 13.05.2013, where the following has been made:

"(ii) The orders issued in (Per) B.P.(FB) No.18 (SB) dated 01.03.2006, be cancelled and the amendments to the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960 issued in the said B.P., be deleted."

3. The copy of the same also has been served on the petitioner's counsel and after going through the same, he would submit that, even though, the import of impugned B.P.(F.B.) No.18 has now been superseded or deleted or cancelled by issuance of B.P. No.24, what are all the modalities to be followed, in order to implead the import of the proceedings B.P. No.24 for determining the pension, has not been spelt out in B.P. No.24.

4. Be that as it may, now the challenge made against B.P. (F.B.) No.18 has completely gone as said BP itself has been cancelled and since the amendment made to that effect in the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960 has been deleted, hence nothing survives in the challenge made in this Writ Petition. Therefore, this Court is inclined to dispose of this Writ Petition by recording the aforesaid developments.

5. In this regard, if at all, still the petitioner got any grievance over issuance of B.P. No.24 dated 13.05.2013, it is up to the petitioner to agitate the issue in the manner known to law.

6. In view of the above, the prayer sought for in this Writ Petition, since has been met or it has become infructuous, recording the same, this Writ Petition is closed as no further order is required to be passed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

To

The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai 600 002.

+1 cc to M/s.K.M.Ramesh, Advocate Sr.No. 16679

+1 cc to M/s.Karthik K Rajan, Advocate Sr.No. 17030

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PMK (CO)
RMP (01/04/2021)



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