



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE V. PARTHIBAN

W.P.No.16639 of 2021

&

W.M.P.No.17633 of 2021

1.G.Srinivasan	...	Petitioners in-Person
2.M.Muraleedharan		
3.T.V.Balasubramanian		
4.S.Sukumaran		
5.K.Ravi Sethu Madhavan		
6.K.Kannan	...	Petitioners 2 to 6

Versus

- 1.Union of India
Ministry of Power,
Represented by Secretary,
Shram Shakti Bhawan,
RAFI MARG, New Delhi - 110 001.
2. NTPC Ltd.,
(Formerly National Thermal Power Corporation Ltd.,)
Represented by Chairman, NTPC Ltd.,
NTPC Bhawan,
Core-7, 6th Floor,
Scope Complex,
Lodhi Road,
New Delhi - 100 007.
3. The Secretary,
NTPC Ltd., Self-contributory Superannuation
Benefit (Pension Trust),
NTPC Bhawan Core-7, IInd Floor,
Scope Complex,
Lodhi Road, New Delhi - 110 007.
4. NTPC Executive Federation of India,
Represented by Secretary-General,
Regd.Office Calcutta, New Delhi Office,
NTPC Ltd., Sector-24, NOIDA-201 301 UP.



5. LIC of India Ltd.,
Represented by its Chairman,
Yogakshema,
Nariman Point,
Mumbai-21, Maharashtra.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, Order or Direction, more particularly in the nature of Writ of Declaration, declaring which result that

A.The NTPC Ltd., Self-Contributory Superannuation (benefit) Pension Trust created for the Purpose of Managing Pension Fund of employees and distributing Pension to the retired employees of NTPC is a "State" under Article 12 of the Constitution.

B.1 The NTPC Ltd., Self-Contributory Superannuation (benefit) Pension Trust communication dated 03.02.2003 has been issued without the authority in law and changing the Pension Scheme from "Rolling Scheme with Defined Benefit Scheme" to "Defined Contribution Scheme" is invalid in law and void and void ab initio and inconsequential to the petitioners and

B.2 Direct the respondent-3 and respondent-2 that the amendments carried out to the Pension Trust dated 09.08.2011 retrospectively amending the Provisions of Trust Deed dated 12.03.1997 as void and void ab initio and inconsequential to the petitioners.

C.1 Direct the respondent-2 to make good the additional contribution as if being the consolidated deferred portion of compensation for past service i.r.o. respective petitioners to respondent-3 to enable to meet the additional requirement for purchase of appropriate annuity with LIC/respondent-5 i.r.o. respective petitioners to meet the liability of payment of enhanced monthly pension on the basis of their respective last drawn salary w.e.f. their respective date of entitlement and

C.2. Direct the LIC/ respondent-5 that respective petitioners are paid the enhanced monthly pension on the basis of their respective last drawn salary w.e.f. their respective date of entitlement alongwith the arrears as was envisaged in the unamended Trust Deed dated 12.03.1997 and Pension Scheme appended to it.

D. Despite the law having been laid down as way back on 03.10.2005 for their failure to implement the same, direct the respondent-2 to compensate the respective petitioners by way of payment of compound interest @ 8% on the respective petitioners'



entitlement of enhanced pension based on their respective last drawn salary till the date of final settlement to the respective petitioners.

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For Petitioners : Mr.G.Srinivasan, Party-in-person
for P-1
and for Petitioners 2 to 6

For Respondents : Mr.S.Sathish Rajan
Central Government Standing
Counsel for R1

: Mrs. Vidya A.Mohan, for
M/s.Viruksham Legal For R2

: Mr.C.Mohan, for
King & Partridge for R3

: No appearance for R4

: Mr.R.S.Anandan for R5

O R D E R

Today, when the matter is taken up for hearing, the first petitioner who appeared as party in person and also on behalf of other petitioners, sought permission of this court to withdraw this writ petition and he has also made an endorsement to that effect.

2. In view of the above submission, this writ petition is dismissed as withdrawn with liberty to the petitioners to approach this Court with concise and proper affidavit airing their grievances briefly in the matter. The liberty is given without prejudice to the rights of the parties in this writ petition. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar



1. The Secretary,
Union of India
Ministry of Power,
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RAFI MARG, New Delhi - 110 001.

2. The Chairman,
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3. The Secretary,
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4. The Secretary-General,
NTPC Executive Federation of India,
Regd. Office Calcutta,
New Delhi Office,
NTPC Ltd.,
Sector-24, NOIDA-201 301 UP.

5. The Chairman,
LIC of India Ltd.,
Yogakshema,
Nariman Point,
Mumbai-21, Maharashtra.

+1cc to Mr.R.S.Anandan, Advocate SR.No.63107
+1cc to M/s.King & Partridge, Advocate SR.No.62729
+1cc to M/s.Viruksham Legal, Advocate S.R.NO.62730

W.P.No.16639 of 2021 and
W.M.P.No.17633 of 2021

GPL (CO)
CB (20/12/2021)