

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26060 of 2014

R.Subramanian

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation,
No.800, Anna Saalai,
Chennai 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation,
General Construction Circle,
Salem - 14.

3.The Internal Audit Officer,
TANGEDCO Board Office,
Audit Branch,
No.144, Anna Saalai,
Chennai 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to count the period of service from 01.04.1970 to 04.01.1972 as qualifying service for pension and pensionary benefits and consequently revise the pensionary benefits and pay the arrears.

For Petitioner : Mr.R.Prem Narayan
For Respondents : Mr.Karthick Raja

ORDER

The petitioner has filed this writ petition seeking direction to the respondents to count the period of service from 01.04.1970 to 04.01.1972 as qualifying service for pension and pensionary benefits and to consequently revise the pensionary benefits and pay the arrears.

2.The case of the petitioner is that he was initially appointed as Watchman (Full Time Contingent) with effect from 01.12.1969. Thereafter, vide order dated 28.03.1970 he was appointed as Full Time Water Supplier and was working regularly and his pay was fixed with effect from 01.04.1970. Thereafter vide order dated 04.01.1972, he was brought under regular time scale of pay and he retired from service on 28.02.2005.

3.It is the further case of the petitioner that initially the service rendered by him from 01.04.1970 was taken into account and pension was paid to him. Thereafter, based on the Audit Objection, his pension was reduced and recovery was ordered. Challenging the same, the petitioner filed W.P.No.18504 of 2010 and this Court vide

order dated 11.12.2012, allowed the said writ petition in respect of recovery alone.

4.The grievance of the petitioner is that the service rendered by him from 01.04.1970 to 04.01.1972 has to be taken into account for the purpose of pension. In this regard, he made representation to the respondents and since the same has not yet been considered, has come forward to file this writ petition.

5.Heard both sides and perused the materials available on record.

6.The issue involved herein was already considered by this Court in W.P.No.18504 of 2010, which was disposed of by order dated 11.12.2012. While doing so it was observed that the service rendered by the petitioner from 04.01.1972 (i.e.,) the date on which the petitioner was brought into regular time scale of pay till the date of superannuation was taken into account while refixing the pension. Further no infirmity was pointed out by the petitioner, with regard to revised order. Hence, the revised order was upheld qua pension and DCRG except recovery.

7.As such, this Court is of the view that the present writ petition is nothing but an yet another attempt of the petitioner to unsettle the settled issue and the same cannot be entertained.

8.In the result, this writ petition stands dismissed as devoid of merits. No costs.

27.01.2021

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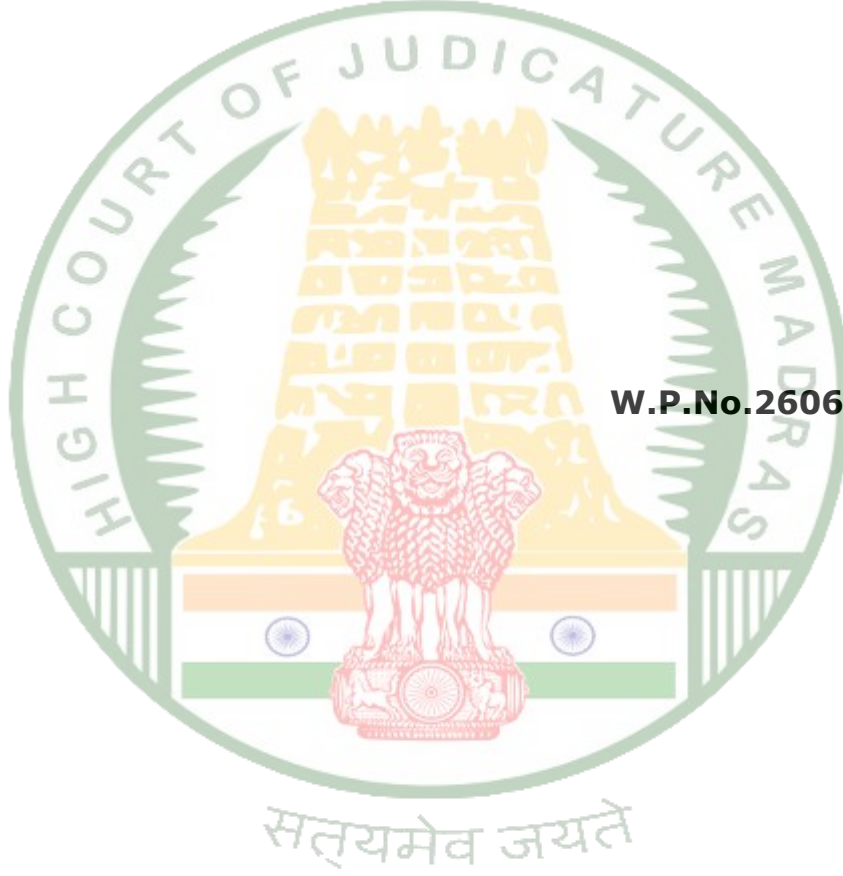
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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R.MAHADEVAN,J.
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