



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) Nos.9637, 9638, 9639, 9640 and 9641 of 2018

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M. Sivalingam	.. Petitioner in W.P.(MD) No. 9637 of 2018
K. Arasappan	.. Petitioner in W.P.(MD) No. 9638 of 2018
T. Sevagan	.. Petitioner in W.P.(MD) No. 9639 of 2018
V. Mariammal	.. Petitioner in W.P.(MD) No. 9640 of 2018
R. Saseetharan	.. Petitioner in W.P.(MD) No. 9641 of 2018

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO), (formerly TNEB),
Represented by its Chairman/Director,
144, Anna Salai,
Chennai - 600 002. ... First respondent in all
writ petitions
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
44, Anna Salai,
Chennai - 600 002. ... Second respondent in all
writ petitions
- 3.The Chief Engineer/Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Maharaja Nagar,
Tirunelveli - 607 001. ... Third respondent in
W.P.(MD) No. 9637 of 2018
- 4.The Superintending Engineer,
Tirunelveli Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Tirunelveli - 627 001. ... Fourth respondent in
W.P.(MD) No. 9637 of 2018
- 5.The Chief Engineer/Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
K. Pudur,
Madurai - 625 007. ... Third respondent in
W.P.Nos.9638 ,9639, 9640 & 9641 of 2018



6.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Madurai - 625 007.

... Fourth respondent in
W.P.Nos.9638, 9639 and 9640
of 2018

WEB COPY

7.The Superintending Engineer,
Ramnad Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Ramanathapuram.

... Fourth respondent in
W.P.No. 9641 of 2018

Prayer in W.P.(MD) No.9637 and 9641 of 2018: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the fourth respondent to re-fix the pension of the petitioner by granting the benefit of Tamil Nadu Electricity Board Revised Scales of Pay (Workmen) Regulations, 2009 and provide all the consequential benefits to the petitioner within the time period stipulated by this court and pass orders.

Prayer in W.P.(MD) Nos.9638, 9639 & 9640 of 2018: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the fourth respondent to re-fix the pension of the petitioner by granting the benefit of TANGEDCO Revised Pay (Workmen) Regulations, 2011 and provide all the consequential benefits to the petitioner within the time period stipulated by this court and pass orders.

For Petitioners : Mr. T. Lajapathi Roy
For Respondents : Mr. T. Sakthikumaran,
Standing Counsel

COMMON ORDER

An interesting issue arises in this case, where a mandamus is sought by individuals, who had retired from the services of the Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO) on 30.11.2017. There was a wage revision that was brought in by the respondent on 11.01.2014, whereunder the existing cadre of employees were granted the benefit of a pay revision with effect from 01.12.2011 to be in force for a period of four years.

2. Inspired by this wage revision, the petitioners have come forth with this writ petition contending that the pensionary benefits granted upon their superannuation call for an enhancement based on the wage revision that they would have been entitled to, had they be in employment on 01.12.2011, the very next date to their date of



retirement.

3. I have heard learned counsel in some detail. Certain legal issues arises in this matter that call for interpretation of the following cases cited at the bar.

a) The petitioners rely on:

i) *Subrata Sen and Others vs. Union of India and Others* [(2001) 8 SCC 71] and

ii) *K.L. Ramamoorthy vs Secretary to Government* [W.P.No.49577 of 2006]

b) The respondent relies on:

i) *Mineral Exploration Corporation Ltd. Vs Arvind Kumar Dixit* [(2015) 2 SCC 535] and

ii) *Himachal Road Transport Corporation and another vs. Himachal Road Transport Corporation Retired Employees Union* [(2021) 4 SCC 502]

4. The petitioners have also filed representations on various dates between 23.03.2018 and 28.03.2018 before the Superintending Engineer, Tirunelveli Distribution Circle/R4, admittedly pending till date. Thus, the legal issues arising from the request of the petitioners are best left to the authorities to take a considered view, without being influenced by the defence amounted by them in counter and bearing in law the cases noticed above as well as any other that may be relevant and cited by the petitioners in the course of the hearing that will take place prior to the disposal of the representations.

5. Let the exercise, as aforesaid be completed within a period of 12 weeks from today. Writ Petitions are disposed as above. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned



To

1. Tamil Nadu Generation and Distribution Corporation
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Represented by its Chairman/Director,
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2. The Chief Engineer (Personnel),
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
144, Anna Salai, Chennai - 600 002.

3. The Chief Engineer/Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Maharaja Nagar, Tirunelveli - 607 001.

4. The Superintending Engineer,
Tirunelveli Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Tirunelveli - 627 001.

5. The Chief Engineer/Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
K. Pudur, Madurai - 625 007.

6. The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Madurai - 625 007.

7. The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Ramanathapuram.

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-35392[F] dated
22/11/2021)

+5 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-35484[F] dated
23/11/2021)

**W. P. (MD) Nos. 9637, 9638, 9639, 9640
and 9641 of 2018
19.11.2021**

PS (CO)

SB(07.12.2021) 4P 14C

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