



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

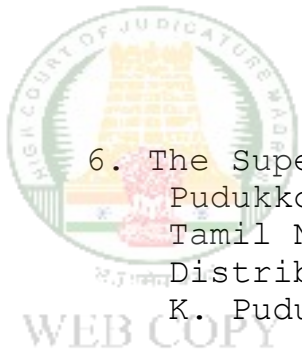
W.P. (MD) Nos. 14148 to 14150 of 2018

WEB COPY

S. Chandrika	...Petitioner
	in W.P.(MD) No. 14148 of 2018
K. Alagu Sundaram	...Petitioner
	in W.P.(MD) No. 14149 of 2018
P. Thangaraj	...Petitioner
	in W.P.(MD) No. 14150 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 Wps.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
144, Anna Salai,
Chennai - 600 002. Second respondent in all Wps.
3. The Chief Engineer/Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Trichy - 620001. ...Third respondent
in W.P.(MD) Nos. 14148
& 14149 of 2018
4. The Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited, (TANGEDCO),
Pudukkottai District - 622001. ...Fourth respondent
in W.P.(MD) Nos. 14148
& 14149 of 2018
5. The Chief Engineer/Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited,
(TANGEDCO),
K. Pudur, Madurai - 625 007. ...Third respondent
in W.P.(MD) No.14150 of 2018



6. The Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited,
K. Pudur, Madurai - 625 007. ...Fourth respondent
in W.P.(MD) No. 14150 of 2018

Prayer in W.P.(MD) Nos. 14148 & 14149 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 petitioners within the time period stipulated by this court and pass orders.

Prayer in W.P.(MD) No. 14150 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 (Officer) Regulations, 2015 and the benefit of one increment in the light of the TANGEDCO proceedings No.53 dated 02.03.2018 with all the consequential benefits within the time period stipulated by this court.

For Petitioners : Mr. Karthik
for Mr. T. Lajapathi Roy
For Respondents : Mr. Venkatesan for
M/s. T. Sakthi Kumaran
Standing Counsel

ORDER

Heard Mr. Karthik, learned counsel for the petitioners and Mr. Venkatesan, learned counsel for Mr. T. Sakthi Kumaran, learned Standing Counsel the respondents.

2. Both learned counsel concur upon the position that this court has considered a similar prayer raised by identically placed petitioners in W.P.(MD) Nos. 9637 to 9641 of 2018 and passed an order on 19.11.2021, which reads as follows:

"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."

3. Both learned counsel would request that the aforesaid order may be made applicable to the present petitioners as well. Thus and acceding to the request of the parties, the above order is taken to be passed in the present matter as well. The representations the petitioners dated 08.05.2018, 18.5.2018 and 23.5.2018 will be considered by the fourth respondent, petitioners heard and a speaking order be passed within a period of 12 weeks from date of first hearing.

4. The writ petitions are disposed as above. No costs.

Sd/-

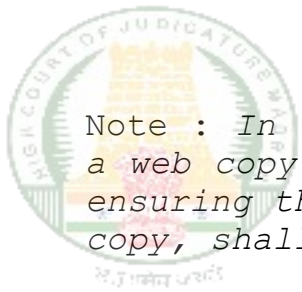
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

Mnr



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

WEB COPY

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6. The Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Limited,
K. Pudur, Madurai - 625 007.

+1 CC to M/s.T. SAKTHIKUMARAB, Advocate (SR-36153[F] dated 26/11/2021)

+3 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-36102[F] dated 26/11/2021)

W.P. (MD) Nos. 14148 to 14150 of 2018
25.11.2021

_RD(21.12.2021) 4P 11C