



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.20753 of 2018

WEB COPY

T.Ramu

... Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO), (formerly TNEB),

Represented by its Chairman/Director,
144, Anna Salai,
Chennai - 600 002.

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),
Trichy 620 001.

4. The Superintending Engineer,
Pudukottai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Pudukottai District 622 001.

.. Respondents

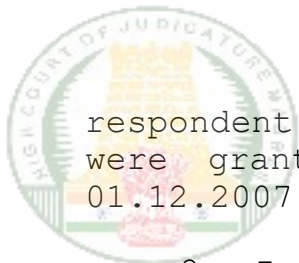
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the fourth respondent to re-fix the pension of the petitioner by granting the benefit of Tamil Nadu Electricity Board Revised Scales of Pay (Workmen) Regulations, 2009 and provide all the consequential benefits to the petitioner within the time period stipulated by this Court.

For Petitioner : Mr.Karthik
for Mr.T.Lajapathi Roy

For Respondents : No appearance

O R D E R

An interesting issue arises in this case, where a mandamus is sought by the petitioner, who had retired from the services of the Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO) on 30.11.2007. 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 01.12.2007 to be in force for a period of four years.

2. Inspired by this wage revision, the petitioner has come forth with this writ petition contending that the pensionary benefits granted upon his superannuation call for an enhancement based on the wage revision that he would have been entitled to, had he be in employment on 01.12.2007, the very next date to his 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 petitioner 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 petitioner has also filed representation on 28.08.2018 before the Superintending Engineer, TANGEDCO (TNEB), Pudukottai/R4, admittedly pending till date. Thus, the legal issues arising from the request of the petitioner 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 representation.

5. Let the exercise, as aforesaid be completed within a period of twelve weeks from today. Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv



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. The Chairman/Director,
Tamil Nadu Generation and Distribution Corporation
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Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Pudukottai District 622 001.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-36858[F] dated 01/12/2021)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-36535[F] dated 30/11/2021)

W.P. (MD) No.20753 of 2018
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tp(CO)

TR(03.02.2022) 3P 7C