



WEB COPY

W.P.No. 39548 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 39548 of 2016

N. Padmanathan

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maligai,
No. 144, Anna Salai,
Chennai – 600 002.

2. The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd.

3. The Deputy Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd.
No. 144, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the third respondent in his Letter No. 21848/1171/F.1/F.13/2016 dated 27.07.2016 and quash the same and consequently direct the respondents to revise the pay of the petitioner as per (Per). FB TANGEDCO proceedings No. 4 dated 11.01.2014 which came to effect on 01.12.2011, a day after the petitioner's superannuation on 30.11.2011 and revise his pension and other retirement benefits within a reasonable time.



WEB COPY

W.P.No. 39548 of 2016



For Petitioner
For Respondents

: Mr. V.S. Jagadeesan
: Mr. P. Subramanian
for TANGEDCO
for R1 to R3

ORDER

The order impugned dated 27.07.2016, rejecting the claim of the writ petitioner for wage revision benefit, pursuant to the TANGEDCO proceedings No. 4 dated 11.01.2014, is under the challenge in the present writ petition.

2. The petitioner served as Assistant Audit Officer in TANGEDCO. Admittedly, the petitioner was allowed to retire from service on 30.11.2011. The grievances of the writ petitioner is that the wage revision implemented by the respondent, pursuant to the Board proceedings No. 4 dated 11.01.2014, was not extended to the writ petitioner.

3. The learned counsel for the petitioner made a submission that the cut of date fixed in this regard is perverse and the petitioner has already completed full service and the revision of pay is effected from the next day of the retirement of the writ petitioner and therefore the said benefit is to be extended.



4. Perusal of the board proceedings No. 4, Secretariat Branch, dated 11.01.2014 reveals that the benefit of revision of pay will come into effect from 01.12.2011 onwards. It is not in dispute that the revision of scale of pay allowances for the officers are to be granted with effect from 01.12.2011. The decision was taken after holding a discussions with the Tamil Nadu Electricity Board Finance and Accounts Officer' Association. When a decision was taken after discussing the issues with the Officers' Association and the revision of scale of pay was granted with effect from 01.12.2011, then the said benefit cannot be extended with retrospective effect, so as to extend the same in respect of the officers, who retired prior to 01.12.2011. In the event of granting the benefit with retrospective effect, it will result in opening the Pandora box and other officials, who retired prior to 01.12.2011, would also claim the same benefit of revision of pay, which would result in huge financial loss. That apart, the principles of cut of date in the matter of implementation of revision of pay has been well recognised by the constitutional courts across the country. The pay commission implementation or revision of pay is to be effected by fixing the cut of date and said fixation cannot be found to be erroneous or otherwise. In the present case, the revision of pay was effected from 01.12.2011 and the petitioner, admittedly retired from service prior to the cut of date and



W.P.No. 39548 of 20



therefore he is not entitled for the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs.

WEB COPY

03.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

1. The Secretary,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maligai,
No. 144, Anna Salai,
Chennai – 600 002.
2. The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd.
3. The Deputy Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd.
No. 144, Anna Salai,
Chennai – 600 002.



WEB COPY

W.P.No. 39548 of 2016



S.M.SUBRAMANIAM, J.

mrn

W.P.No. 39548 of 2016

03.11.2022