



W.P.Nos.8918, 11267 & 11268 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8918, 11267 & 11268 of 2017

W.P.No.8918 of 2017:

- 1.T.Murugan
- 2.J.Shanmugasundaram
- 3.Ellappan
- 4.Radhakrishnan
- 5.V.Murthy
- 6.R.Arumugam
- 7.G.K.Venkatesan
- 8.V.Padmaraj
- 9.P.Selvam
- 10.Yayathi
- 11.Ramesh
- 12.Karthikeyan
- 13.Sivasankar
- 14.Elumalai
- 15.Anbu
- 16.B.Velu
- 17.P.Krishnan
- 18.Ramamurthy
- 19.Jaisankar

...Petitioners

Vs.

- 1.Tamil Nadu Electricity Generation
and Distribution Corporation,
Rep.by its Secretary,
No.144, Anna Salai, Chennai – 600 022.



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2. The Chief Engineer,
Personal TANGEDCO,
Tamil Nadu Electricity Board,
Chennai – 600 002.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take into the account the period of service rendered by the petitioners as assessor in the erstwhile Vandavasi Rural Electric Co- Operative Society that is from 28.11.1996 with all consequential benefits.

W.P.Nos.11267 & 11268 of 2017

K.Shanmugam
V.Nagamani

...Petitioner in W.P.No.11267 of 2017
...Petitioner in W.P.No.11268 of 2017

Vs.

The Chief Engineer,
Personal
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

..Respondents in both W.Ps

Common Prayer : Writ Petitions filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take into the account the period of service rendered by the petitioner as assessor in the erstwhile Vandavasi Rural Electric Co- Operative Society that is from 28.11.1996 with all consequential benefits.



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For Petitioners : Mr.S.Elamurugan
(in all W.Ps)

For Respondents : Mr.Leeban
For M/s.T.S.Gopalan & Co
(in all W.Ps)

COMMON ORDER

The relief sought for in the present writ petitions are for a direction to direct the respondents to take into the account the period of service rendered by the petitioners in the erstwhile Vandavasi Rural Electric Co- Operative Society with all consequential benefits.

2. The petitioners were initially appointed as employees in the Vandavasi Rural Electric Co-operative Society, which is a Society registered under the Tamil Nadu Multi-State Co-operative Societies Act. The Tamil Nadu Electricity Board took a decision and acquired the said Co-operative Society and consequently, the employees serving in the Rural Electric Co-operative Societies were absorbed on permanent basis in the Tamil Nadu Electricity Board.



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3. In this regard, the respondent/Board issued an order in

Per.B.P.No.31, Administrative Branch dated 20.09.2005.

4. The learned counsel for the petitioners mainly contended that the seniority of the writ petitioners are not fixed in accordance with the Board Proceedings and they are entitled for seniority including the services rendered by them in the Society.

5. However, this Court is of the considered opinion that the Board Proceedings, granting permanent absorption to these employees stipulates the manner in which the seniority is to be fixed in respect of the employees absorbed to the Board from the Co-operative Society.

6. In this regard, it is relevant to extract paragraphs 7 and 8 of the Board Proceedings issued in Per.B.P.No.31, Administrative Branch dated 20.09.2005, which reads as under:

“7. The inter-se seniority of the employees of the Vandavasi Rural Electric Co-operative Society will be fixed separately by taking into account the data of their joining in the post they were holding on the vesting date. Thereafter, they will



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be eligible for notional promotion from the date on which their junior in the Board was promoted and this will be subject to the condition that they are qualified to hold that promoted post as per provisions of Tamil Nadu Electricity Board Service Regulations. If their junior was promoted prior to vesting date, the seniority of such society employees will be fixed on the vesting date (viz) 06.04.2002 at the top of the existing Board employees of that corresponding absorbed post. The pay of promotees will be fixed under Tamil Nadu Electricity Board Service Regulations without any entitlement for arrears of pay and Monetary Benefit will be given only from the date of actual joining in the promoted post.

8. It is hereby ordered that with effect from 06.04.2002, the employees of Vandavasi Rural Electric Co-operative society, who are absorbed into the Board will be treated as Tamil Nadu Electricity Board employees for all purposes and they will be fully governed only by the Rules and Regulations of the Tamil Nadu Electricity Board. It is further ordered that they will not be entitled with effect from 06.04.2002 (viz) the vesting date, for any rights, privileges concession which are customary or contractual expressed or implied, which they were enjoying in the Vandavasi Rural Electric Co-operative society by virtue of their service conditions under the said Vandavasi Rural Electric Co-operative Society.”



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7. In view of the fact that the Board Proceedings itself contemplates the fixation of seniority to the employees of Vandavasi Rural Electric Co-operative Society, the respondents are bound to take note of the conditions stipulated in the Board Proceedings and accordingly, fix the seniority of the writ petitioners in the appropriate place for all service benefits.

8. If the seniority had already been fixed in respect of the petitioners herein, then the correctness of the same are to be verified with reference to the Board Proceedings *cited supra* and such an exercise is directed to be done within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands disposed of. No costs.

28.11.2022

Index : Yes
Speaking order : Yes
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To
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- 1.The Secretary,
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.144, Anna Salai, Chennai – 600 022.
- 2.The Chief Engineer,
Personnel, TANGEDCO,
144, Anna Salai,
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S.M.SUBRAMANIAM, J.

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