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W.P.No.33432 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33432 of 2019

R.Subramanian

... Petitioner

Vs.

1. The Principal Secretary to Government,
Energy Department,
Fort St.George, Chennai 600009.

2. The Chairman - Cum - Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, calling for the records pertaining to the Rejection Order passed by the 2nd Respondent's Board in Memorandum (per) No.32667/A18/A 183/2019-2 dated 06.11.2019 and quash the same as illegal and consequently direct the respondents to sanction 3 percent notional increment and award monetary benefits to the pensioners with effect from 01.10.2017 like the present employees.

For Petitioner : Mr.S.Murugan

For Respondents : Mr.R.P.Murugan Raja,
Government Advocate [R.1]
: Mr. Haroon Ah.Rasheed [R.2]



W.P.No.33432 of 2019

WEB COPY

ORDER

The order of rejection, rejecting the claim of the writ petitioner for the grant of cash gift/increase in pension in commemoration of 60 years of the formation of the Tamil Nadu Electricity Board to the pensioners, Family Pensioners, is under challenge in the present writ petition.

2. The petitioner states that he was employed as Foreman Grade -I and retired from service on 30.04.1989. The cash gift/increase in pension was granted in commemoration of 60 years of the formation of Tamil Nadu Electricity Board to the employees who were in service as on 01.07.2017 and to the retired employees who attained the age of superannuation between the period from 01.12.2015 and 30.06.2017.

3. Gifts/Bonus are concessions, extended by the respondents in commemoration of 60 years of the formation of the Tamil Nadu Electricity Board, to the existing employees and with reference to the employees who retired during the relevant point of time, and it cannot be extended to all the employees who retired long before the celebration of 60 years of the formation of Tamil Nadu Electricity Board.



W.P.No.33432 of 2019

WEB COPY

4. Gifts or concession cannot be claimed as an absolute right. It is a policy decision of the respondent Board and it was extended in commemoration of the completion of 60 years and such concession or gift given cannot be claimed by the employees who retired long before or otherwise. That apart, the said cash gift/increase in pension was granted based on the 12(3) Settlement, entered into, between the Labour Union and the Board. Thus, the petitioner who is a retired employee, retired in the year 1989 ie., long before the implementation of the cash gift cannot claim the said benefit merely on the ground that the cut-off date fixed by the respondent is bad in law.

5. The cut-off date fixed by the respondent has got a nexus and the objects ought to be achieved. All the employees serving during the relevant point of time in the year 2017 were extended the benefit of gift and the retirees, from the year 2015 to the year 2017 also were extended the benefit of an increase in pension. Therefore, the cut-off date fixed by the respondent cannot be said to be improper or otherwise. The cut-off date has got a nexus with reference to the celebration of 60 years of the Tamil Nadu Electricity Board and such a policy decision taken by the Board



W.P.No.33432 of 2019

cannot be interfered with by the High Court in the exercise of the powers of the Judicial Review under Article 226 of the Constitution of India.

6. Thus, the petitioner is not entitled for the relief as such sought for in the present writ petition. Accordingly, the writ petition stands **dismissed**. There shall be no order as to costs.

15.11.2022

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Internet : Yes
Index : Yes / No
Speaking order / Non Speaking order

To,

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Fort St.George, Chennai 600009.
2. The Chairman - Cum - Managing Director,
TANGEDCO,
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S.M.SUBRAMANIAM, J.



WEB COPY



W.P.No.33432 of 2019

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W.P.No.33432 of 2019

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