



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2656 of 2021

G.Kannan

... Petitioner

Vs.

1.The Chairman cum Managing Director,
TANGEDCO,
No.144, Annal Salai,
Chennai 600 002.

2.The Superintending Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle,
Virudhunagar.

3.The Internal Audit Officer (Pension),
Audit Branch,
TANGEDCO,
No.144, Annal Salai,
Chennai 600 002.

4.The Secretrary,
TANGEDCO,
9th Floor,
No.800, Annal Salai,
Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Lr.No.05800/157/F.8/F.82/BBO.No.54056/2020 dated 20.07.2020 and quash the same and direct the respondents to confer Special Grade Fixation to the petitioner in the light of the Board proceedings in B.P.(FB) no. 12 dated 08.02.2006 and consequently direct to pay arrears of pension and all other pay allowances and benefits.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.S.Arivalagan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined TNEB as Junior Assistant on 22.09.1969. He was promoted as Accounts Assistant on 11.12.1980. Following completion of ten years of service in the ordinary grade, he was placed in the selection grade with effect from 11.12.1990. He completed ten years of service on 10.12.2000 in the selection grade. The petitioner claims that by virtue of Board proceedings in B.P.(FB) No.12, dated 08.02.2006, he should have been conferred with special grade immediately thereafter. In fact the petitioner was conferred with such a special grade in the year 2008 but then it was revoked later. The petitioner submitted a representation for restoration of the selection grade with effect from 10.12.2000. His request was rejected by the impugned order dated 20.07.2020. Challenging the same, this writ petition came to be filed.

3.The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and direct restoration of special grade in favour of the writ petitioner with effect from 10.12.2000.

4.Per contra, the learned standing counsel submitted that the impugned order does not call for any interference.

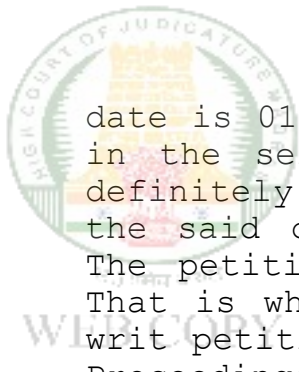
5.I carefully considered the rival contentions and went through the materials on record. The petitioner had retired from service in the year 2004 itself. The Board proceedings in B.P.(FB) No.12 on which the petitioner places reliance was issued almost two years after the petitioner retired ie., on 08.02.2006. Clause 3(2) of the said Board proceedings reads as follows:-

"3) In pursuance of the above term in the settlement dated 15.10.2005, Tamil Nadu Electricity Board has considered the demands putforth by the Unions/Associations and passes the following orders:-

i.

ii. All those employees who have completed 20 years of total regular service in the ordinary grade post and Selection Grade post put together and stagnating without promotion shall become eligible for the Special Grade."

6.A reading of the said proceedings as a whole indicate that it was issued only to relieve stagnation among employees of the Board. The petitioner concedes that he was promoted as Account Supervisor on 03.02.2002. As per the aforesaid Board proceedings the cut off



date is 01.12.2002. In other words, if the petitioner had been in the selection grade even as on 01.12.2002, then he would be definitely entitled to be placed in the special grade. But before the said cut off date, the petitioner had already been promoted. The petitioner cannot have any grievance that he was stagnating. That is why, in the impugned order, it was rightly noted that the writ petitioner is not entitled to the benefit conferred vide Board Proceedings in B.P.(FB) No.12 dated 08.02.2006. The impugned order does not call for any interference and the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

Ias

TO

- 1.The Chairman cum Managing Director,
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+1 CC to M/s.S.I.MUTHIAH, Advocate (SR-45114[F] dated 15/09/2022)

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