



W.P.Nos.27833, 27835, 27838 & 27841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.27833, 27835, 27838 & 27841 of 2023

& WMP.Nos.27326, 27327, 27330 & 27333 of 2023

P.Viswanathan	... Petitioner in W.P.No.27833 of 2023
M.Ramadass	... Petitioner in W.P.No.27835 of 2023
K.Duraisamy	... Petitioner in W.P.No.27838 of 2023
P.Settu	... Petitioner in W.P.No.27841 of 2023

Vs

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
2. The Secretary,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
3. The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
4. R.Radhakrishnan ... Respondents in all WPs



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Common Prayer :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to the impugned order dated 06-09-2022 on the file of the 1st respondent chairman cum managing Director for Petitioners LETTER NO. 992/G49 / G491/ 2021-84, LETTER NO. 992/G49 / G491/ 2021-55, LETTER NO. 992/G49 / G491/ 2021-61 and LETTER NO. 992/G49 / G491/ 2021-65 DATED .06-09-2022 respectively and quash the same and further direct the 3rd respondent chief Engineer/ Personnel to accord notional promotion above the 4th respondent who is most junior to the petitioner and thereby revise the pension based on the appeal petition submitted by the petitioner dated 12-03-2012 by invoking TNEB Service regulation 37 note 2.

For Petitioners : Mr.R.Muralikrishnan
[in both WPs]
For Respondents : Mr.Venkatesh Prasad A.P.,
[in both WPs] for M/s.T.S.Gopalan & Co. - R1 to R3

COMMON ORDER

These Writ Petition have been filed to quash the impugned order dated 06-09-2022 of the first respondent in Letter No. 992/G49 / G491/ 2021-84, LETTER NO. 992/G49 / G491/ 2021-55, LETTER NO. 992/G49 / G491/ 2021-61 and LETTER NO. 992/G49 / G491/ 2021-65



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DATED 06.09.2022 respectively and direct the third respondent Chief Engineer/ Personnel to accord notional promotion above the fourth respondent who is most junior to the petitioners and thereby revise the pension based on the appeal petition submitted by the petitioners dated 12.03.2012 by invoking TNEB Service regulation 37 note 2.

2. It is the grievance of the writ petitioners that their juniors have been sanctioned higher pension whereas the case of the petitioners has not been considered by respondents. The representation given by the petitioners has been rejected by the first respondent on the ground of delay and laches. Earlier Bharathiya Electricity Employees Federation have filed a Writ Petition in W.P.No.30470 of 2011 and the same was allowed only on 07.03.2022. Hence, the claim of the petitioners cannot be termed as delay. Hence, the present Writ Petitions have been filed for the aforesaid relief.

3. The crux of the issue is with regard to fixation of the seniority of the petitioners. At this stage, when this Court posed a question as to how



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these Writ Petitions are maintainable, the learned counsel appearing for the petitioners submitted that appeal has already been filed against the order of the third respondent for non inclusion of the petitioners in the panel and the same is pending before the Chief Engineer from 12.03.2012. Since, the representation given by the petitioners is with regard to fixation of seniority, this Court is of the view that seniority of the petitioners cannot be is fixed after such a long delay. Settled things cannot be unsettled by way of representation, creating a new cause of action. It is well open to the petitioners to pursue the appeal in the manner known to law.

4. With the above directions, these Writ Petitions are dismissed.
No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2023

Index:Yes/No
Neutral Citation : Yes/No
vrc

To,



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WEB COPY

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N.SATHISH KUMAR, J.

VTC

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