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W.P.Nos.27846, 27850, 27854 & 27855 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.27846, 27850, 27854 & 27855 of 2023**

**& WMP.Nos.27337, 27339, 27345 & 27348 of 2023**

M.Kuppusmy ... Petitioner in W.P.No.27846 of 2023

C.Jayan ... Petitioner in W.P.No.27850 of 2023

R.Devaraj ... Petitioner in W.P.No.27854 of 2023

R.Purushothaman ... Petitioner in W.P.No.27855 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 WP.Nos.27846, 27850  
& 27584 & 27855 of 2023



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Tamil Nadu Generation and Distribution Corporation Ltd.,  
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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. M.Pandidurai ... Respondents in WP.No.27854 of 2023

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/ 18.08.2022 in WP.No.27854 of 2023 on the file of the 1<sup>st</sup> respondent Chairman Cum Managing Director for Petitioners LETTER NO. 992/G49 / G491/ 2021-58, LETTER NO. 992/G49 / G491/ 2021-75, LETTER NO. 992/G49 / G491/ 2021- and LETTER NO. 992/G49 / G491/ 2021-68 DATED 06-09-2022/ 18.08.2022 in W.P.No.27854 of 2023 respectively and quash the same and further direct the 3<sup>rd</sup> 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 petitioners dated 12-03-2012, 12.03.2012, 08.03.2013 and 12.03.2012 respectively by invoking TNEB Service regulation 37 note 2.



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For Petitioners : Mr.R.Muralikrishnan  
[in all Wps]

For Respondents : Mr.Venkatesh Prasad A.P.,  
[in all Wps] for M/s.T.S.Gopalan & Co. - R1 to R3

### **COMMON ORDER**

These Writ Petitions have been filed to quash the impugned order dated 06-09-2022 and 18.08.2022 of the first respondent in Petitioners LETTER NO. 992/G49 / G491/ 2021-58, LETTER NO. 992/G49 / G491/ 2021-75, LETTER NO. 992/G49 / G491/ 2021- and LETTER NO. 992/G49 / G491/ 2021-68 DATED 06-09-2022 and 18.08.2022 respectively and further direct the 3<sup>rd</sup> 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, 12.03.2012, 08.03.2013 and 12.03.2012 respectively 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



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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 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 fixed after such a long delay. Settled things cannot be unsettled by way of representation, creating a new cause of



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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,

1. The Chairman cum Managing Director,  
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**N.SATHISH KUMAR, J.**

VTC

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**26.09.2023**