



W.P(MD)No.1135 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1135 of 2020
and
W.M.P.(MD)No.903 of 2020

P.Ramakrishnan

... Petitioner

Vs.

- 1.The Chairman Cum Managing Director,
Tamil Nadu Generation & Distribution Corporation Ltd.,
KRR Maaligai, No.144, Anna Salai, Chennai – 600 002.
- 2.The Chief Engineer / Personnel,
Tamil Nadu Generation & Distribution Corporation Limited,
KRR Maaligai, No.144, Anna Salai, Chennai – 600 002.
- 3.The Superintendent Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent No.2 vide his proceedings in Letter No.022692/169/G.46/G.461/2016 dated 10.03.2016 and quash the same as illegal and consequently direct the respondents to provide non payment of salary based on the entries in Service Register with reference to pay bill and whether his pay was re-fixed on 1.8.2006 taking



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50 percent Dearness Allowance with basic pay and whether the increment was sanctioned after the above said merger within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mrs.M.Parameswari,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined TNEB as helper on 30.01.1995. He was promoted as Wireman on 31.03.2000. He became Line Inspector on 04.03.2009. He retired from service on 31.05.2013 on attaining the age of superannuation. After retirement, the petitioner raised an issue that the pay fixed for him was not actually disbursed. The petitioner submitted an appeal dated 17.08.2015 in this regard. He filed W.P.(MD)No.21682 of 2015 and this Court vide order dated 04.12.2018 directed the authorities to dispose of the said appeal. Pursuant thereto, the impugned order dated 10.03.2016 came to be passed informing the petitioner that there is no merit in his request. Challenging the same, the present writ petition has been filed.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned communication and grant relief as prayed for.

4.The respondents have filed counter affidavit and the learned standing counsel took me through its contents and called upon this Court to dismiss the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. The fact remains that the petitioner did not seriously raise any grievance during his service. Only after retirement from service on 31.05.2014, the petitioner actively pursued the matter. The moment the petitioner retired from service, the employer-employee relationship snaps. As the petitioner had kept quiet during the relevant time, one can only take it that he had no grievance regarding disbursement of pay. The petitioner cannot be allowed to vex the employer with such issues long after retirement. It would be difficult to trace the files. In any event, following the direction of this Court, the competent authority went into the issue and had replied that the petitioner's representation is devoid of merits. Such a communication was sent as early as on 10.03.2016. This writ petition was filed only in October, 2019 and



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numbered in the year 2020. Of course in the affidavit filed in support of the writ petition, the petitioner has set out certain personal reasons as to why he could not approach the Court in time.

6.The Writ Court cannot be called upon to go into such factual disputes at this point of time. All that this Court directed in the year 2015 was consideration of the petitioner's request. The authority concerned went into the issue and had passed a detailed and speaking order as to why the petitioner's request cannot be accepted. The issue should be allowed to rest and it cannot be re-opened at this point of time. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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