



W.P(MD)No.5597 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5597 of 2023

J.Jose Mercy Nesan

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Generation & Distribution Ltd.,
Tamil Nadu Electricity Board,
No.144, Annasalai,
NPKRR Maligai,
Chennai – 600 002.

2.The Chief Engineer Personal,
Tamil Nadu Generation & Distribution Ltd.,
Tamil Nadu Electricity Board,
No.144, Annasalai,
NPKRR Maligai,
Chennai – 600 002.

3.The Superintending Engineer,
Purchase and Administration,
Tuticorin Thermal Power Station,
Tuticorin – 4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Letter No.



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213/342/Adm-III/AI/F.Court Case/TTPS/ dated 21.11.2022 and quash the same and consequently direct the respondents to count the 50 percentage of the contract labour service rendered by the petitioner with the respondents department from 20.11.1992 to 30.04.1999 for calculation pensionable service.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.Malini
for M/s.T.S.Gopalan and Co

ORDER

Heard the learned counsel on either side.

2. The only question that calls for consideration is whether the petitioner is entitled to insist that 50% of his contract labour service should also be included in his regular service for the purpose of computing his pension. His stand was rejected. Questioning the same, the present writ petition has been filed.

3. The learned counsel appearing 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.



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4. As rightly pointed out by the learned Standing Counsel, the issue on hand is no longer *res integra*. The Hon'ble Division Bench in W.A(MD)No. 785 of 2015 dated 28.10.2015 had negatived a similar request. It was followed in W.P(MD)No.10884 of 2015 (***V.Lakshmi Vs The Chairman cum Managing Director & another***) dated 08.08.2022. A learned Judge of this Court followed the Division Bench order and categorically held that the request for counting 50% of service rendered by TANGEDCO employee under private contractors prior to his absorption cannot be included. I am therefore not in a position to interfere with the impugned order.

5. This writ petition is dismissed. There shall be no order as to costs.

13.04.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

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