



W.P.(MD)No.1417 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.1417 of 2019

S.Gurusamy

... Petitioner

vs.

- 1.The Chairman,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Chennai-2.
- 2.The Superintending Engineer,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Virudhunagar Electricity Distribution
Circle,
Virudhunagar, Virudhunagar District.
- 3.The Executive Engineer,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Distribution, Rajapalayam,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to include the service rendered by the petitioner on contract basis from the year 1980 to 1991 and to revise the monthly pension and other benefits within the stipulated period.

For Petitioner : Mr.M.Jothibasu
For Respondents : Mr.S.Arivalagan

ORDER

This writ petition is filed for writ of Mandamus, to direct the respondents to include the service rendered by the petitioner on contract basis from the year 1980 to 1991 and to revise the monthly pension and other benefits within the stipulated period.

2. The petitioner was working as a contract labour in Tamil Nadu Electricity Board in Virudhunagar district in the year 1991. The petitioner was appointed as labour in the regular post. Thereafter, he has



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rendered his service and was promoted to subsequent higher post. He retired on 31.03.2018. After considering the service from 1991 to 2018, the respondents have sanctioned the retirement benefits and pensionary benefits.

3. The claim of the petitioner is that his service from 1980 to 1991, he rendered a contract labour should be included in the regular service in order to calculate the pensionary benefits and other benefits so that the petitioner would get increased monetary benefits.

4. The Tamil Nadu Electricity Board was engaging contractors in certain works and the contractors in turn were engaging contract employees. When several persons started claiming to absorb them in the regular post, the respondents declined the same. The said litigation ended before the Hon'ble Supreme Court wherein the Hon'ble Supreme Court



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appointed Khalid Commission in order to formulate a scheme. While formulating the scheme, the Commission has stated that the service rendered as contract labour shall be taken into account in order to absorb the person in the regular service. However, the service rendered as contract labour cannot be taken for calculating the pensionary and other benefits. The petitioner is exactly claiming which was declined while considering the contract labourers for absorption. Moreover, the service rendered as contract labourers is the qualification for considering for absorption. Therefore, the petitioner is claiming against the scheme, rather the petitioner is trying to open the settled issue.

5. If such a claim is entertained, as the respondents had absorbed not only 18006 employees but has absorbed more than 60,000 employees, all of them will come forward with the same plea. When the issue is already decided in the Khalid Commission, the same cannot be



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entertained. Hence, the claim of the petitioner is rejected.

6. Therefore, the writ petition is dismissed. No costs.

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Internet : Yes

NCC : Yes / No

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