



W.P(MD)No.15570 of 2020

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.03.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.15570 of 2020**

S.Ravichandran

... Petitioner

Vs

1.The Chairman and Managing Director,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Administrative Branch,  
8<sup>th</sup> Floor, N.P.K.R.R.Maaligai,  
114, Anna Salai,  
Chennai – 600 002.

2.The Chief Engineer Personnel,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
8<sup>th</sup> Floor, N.P.K.R.R.Maaligai,  
114, Anna Salai,  
Chennai – 600 002.

3.The Chief Engineer,  
Tuticorin Thermal Power Station,  
Thoothukudi – 628 004.

4.The Commissioner,  
Department of Industrial and Commerce,  
Chepauk,  
Chennai.

... Respondents



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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 of the Letter No.005888/122/G.15/2020-2 dated 09.09.2020 issued by the first respondent quash the same and consequently directing the first respondent to grant pro-rata pension by counting the petitioner past service rendered in Department of Industries and Commerce from 07.07.1989 to 23.01.1990 along with service rendered before this Board from 23.11.1992 to 01.08.2009 along with gratuity and wage revision and to pay arrear for the same and to pay pension regularly within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Govindarajan  
for Mr.D.Selvanayagam

For Respondents : Mrs.M.Parameswari  
Standing Counsel

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the TANGEDCO.

2.The petitioner joined TANGEDCO as Assistant Engineer through direct recruitment in the year 1992. He quit his job on 01.08.2009. He had put in 16 years and 8 months of service by then. The petitioner subsequently applied to the respondents seeking pensionary benefits. Since the said request was not considered, the petitioner filed W.P(MD)No.26474 of 2019. Pursuant to the order dated 13.12.2019 made in the said writ petition, the impugned order came



W.P(MD)No.15570 of 2020

to be passed rejecting the petitioner's claim for granting pro-rata pension for counting his past service.

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 grant relief as prayed for.

4.The respondents have filed counter affidavit and the learned Standing Counsel took me through its contents. The learned Standing Counsel submitted that the impugned order does not warrant interference since it is predicated on Rule 23 of the Tamil Nadu Pension Rules, 1978 and the relevant board proceedings. She pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record.

6.It is true that Rule 23 of the Tamil Nadu Pension Rules,1978 which applies to TANGEDCO clearly provides forfeiture of one's past service in view of the employee resigning from service. Therefore, as rightly pointed out by the learned Standing Counsel, the order impugned in the writ petition cannot be interfered with.



W.P(MD)No.15570 of 2020

7.At this stage, the learned counsel appearing for the petitioner drew my attention to the order dated 28.03.2022 passed by the Hon'ble Division Bench to which I was a party in Review Application(MD)No.60 of 2021 in W.A. (MD)No.1658 of 2018 (*The Secretary to Government of Tamil Nadu and two others Vs K.Kollappapilai*). Even while allowing the Review Application, we had permitted the writ petitioner to submit a fresh representation seeking relaxation of Rule 23 of the Tamil Nadu Pension Rules, 1978 for the limited purpose of claiming pension for the future period. I am inclined to adopt the said approach even while sustaining the order impugned in the writ petition. I permit the petitioner to submit a fresh representation seeking relaxation of Rule 23 of the Tamil Nadu Pension Rules, 1978. On receipt of such representation from the petitioner, the first respondent shall consider the same and pass an appropriate order taking into account the various circumstances that may be urged by the petitioner within twelve weeks thereafter.

8.This writ petition is disposed of accordingly. There shall be no order as to costs.

**15.03.2023**

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



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**G.R.SWAMINATHAN, J.**

MGA

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