



WEB COPY



W.P.(MD).No.357 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.357 of 2016

S.Koopan

... Petitioner

Vs.

1.The Internal Audit Officer (Pension),
Audit Branch,
Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maligai 1st Floor,
144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
K.Pudur,
Madurai – 7.

3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Sivagangai Division,
Sivagangai.

... 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 of the first respondent in Lr.No.30511/742/OS-II/2013 dated 31.01.2013 and quash the same and consequently direct the first respondent to sanction the full pension along with the arrears from the date of the petitioner's retirement from 31.03.1998 as per the Board proceedings (Per) FB



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TANGEDCO Proceedings No.31/Dated the 08.09.2011 in view of the third respondent's pension proposal dated 18.06.2012 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

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

ORDER

This Writ Petition is filed challenging the order of the first respondent dated 31.01.2013 with a consequential prayer to grant full pension along with the arrears from the date of retirement from 31.03.1998 as per Board proceedings (Per) FB TANGEDCO Proceedings No.31/Dated the 08.09.2011.

2. The petitioner joined the respondent service as NMR in the year 1963 in Manamadurai Construction Branch and continued as NMR till 31.03.1970. On 01.04.1970, the petitioner was regularized and appointed as Helper. He was promoted until Foreman Grade-I and attained superannuation and retired on 31.03.1998. The petitioner is seeking to take the NMR service from 1963 to 31.03.1970 and calculate 50% of the same as per G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009.



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3. The learned counsel appearing for the respondents submitted that such plea cannot be considered, unless it is considered and accepted by the Board, thereafter only the petitioner's plea will be considered.

4. Such a process was not completed in any provisions and hence the impugned order passed by the first respondent is quashed. The petitioner is directed to submit a fresh representation to the Chairman, Tamil Nadu Generation and Distribution Corporation Limited. The Chairman of Tamil Nadu Generation and Distribution Corporation Limited shall consider the case of the petitioner and pass orders after giving sufficient opportunity to the petitioner. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. There shall be no order as to costs.

02.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

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- 1.The Internal Audit Officer (Pension),
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Tamil Nadu Generation and Distribution Corporation Limited,
Sivagangai Division,
Sivagangai.

Copy To:

The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.



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S.SRIMATHY, J.

Nsr

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