



W.P.(MD).No.8142 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8142 of 2016

A.Pandiarajan

... Petitioner

Vs.

1.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
144, Annasalai,
Chennai – 2.

2.The Secretary,
Secretariat,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO) Branch,
144, Annasalai,
Chennai – 2.

3.The Executive Engineer,
Civil Maintenance Division – I,
Tuticorin Thermal Power Station (TTPS),
Tuticorin – 628 004.

... 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 relating to the impugned letter No.20174/A22/A222/15-2 dated



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03.09.2015 passed by second and third respondents and quash the same as illegal and consequently direct the respondents to refix the salary benefits from the date of the petitioner's first appointment on 01.03.1993 and pass suitable orders within the time as fixed by this Court.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.S.Arivalagan

ORDER

This Writ Petition is filed for Writ of Certiorarified Mandamus, to quash the order dated 03.09.2015 and consequently direct the respondents to refix the salary from the date of petitioner's first appointment that is on 01.03.1993.

2. The contention of the petitioner is that he was appointed vide B.P.No. 36 dated 04.07.2001 to the post of Cook cum Care taker and the date of appointment mentioned in the said proceedings is 01.03.1993. Further in the said proceedings under clause 5 it is stated that the petitioner was appointed regularly in the post indicated against them with effect from the date of first appointment. Therefore, the claim of the petitioner is that the Secretary ought to fix from 01.03.1993. However, the said claim of the petitioner was refuted by



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the respondents by citing the same proceeding under clause 6, wherein, it has been stated that the officials are eligible to draw regular scale of pay in the corresponding posts, as indicated in the Annexure of the Board Proceedings third cited. In the said annexure, vide memorandum (Permanent) No. 72428/A22 /A222/2001-1 dated 07.09.2001, it is stated that in continuation of the orders issued in B.P proceedings, it is hereby ordered that regular scale of pay for 3 officials regularly appointed in the B.P second cited shall be claimed and paid in the corresponding posts as indicated in the annexure to the B.P first cited, with effect from the date of issuance of order that is with effect from 04.07.2001. The petitioner has enclosed the B.P proceedings, but has not enclosed along with the annexure. The learned counsel appearing for the respondents produced the full B.P. Proceedings along with the annexure before this Court.

3. Therefore, this Court is convinced that as per Regulation 3 in the B.P proceedings, the petitioner is entitled to fixation of pay from the date of order that is 04.07.2001, the respondents have rightly fixed the same. Hence, the petitioner has not made out any case.



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4. With the above observations, this Writ Petition is dismissed. No costs.

19.06.2023

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

To

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S.SRIMATHY, J.

Nsr

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