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W.P.(MD)No.20820 to 20822, 24668 of 2018
and 3915 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.20820 to 20822, 24668 of 2018
and 3915 of 2019

and

W.M.P.(MD)Nos.18606 to 18608,
22362 of 2018 and 3042 of 2019

W.P.(MD)No.20820 of 2018:

- 1.P.Arunagiri
- 2.K.Soliappan
- 3.S.Venkataraman
- 4.T.Jayabalan
- 5.V.Raman
- 6.T.Dhamodaran
- 7.M.Manavalan
- 8.P.Venkatesan
- 9.N.Balakrishnan
- 10.P.Kameswaran
- 11.C.Muthaiya
- 12.S.Ramasubramanian



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13.A.Piraisudimurugan
14.S.Srinivasan

... Petitioners

vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO), (formerly TNEB),
represented by its Chairman/Director,
144, Anna Salai, Chennai-600 002.

2.Tamil Nadu Electricity Board (TNEB),
presently known as Tamil Nadu Generation
and Distribution Corporation Limited,
(TANGEDCO),
represented by its Secretary,
144, Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in (Per) B.P.(Ch)No.235, dated 01.12.2009, on the file of the respondent no.2 in so far as excluding the merger of dearness relief of 50% from the pension of the petitioners in Clause 2(e) and to quash the same as illegal and consequently, for a direction, to direct the respondents to re-fix the pension of the petitioners



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who have retired from service from 01.01.2006 to 30.11.2007 on par with State Government Employees by way of granting fitment weightage @40% of the Basic Pension of the petitioners including the effect of merger of 50% dearness allowances along with arrears and all other consequential benefits within the time period stipulated by this Court.

W.P.(MD)No.20821 of 2018:

- 1.R.Jeyaseelan
- 2.K.Balakrishnan
- 3.S.Sulthan Basha
- 4.S.Balasubramanian
- 5.M.Vellaisamy
- 6.S.Duraichamy
- 7.V.S.Bose
- 8.S.Joseph
- 9.P.Kani
- 10.D.Jagadeesan
- 11.T.Gopalakrishnan
- 12.K.Rajagopalan
- 13.A.K.Muthuraman
- 14.K.Namasivayam
- 15.S.Narasimman
- 16.S.Durajraj
- 17.K.Subramanian



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18.P.Gopalakrishnan
19.V.Kaliyappan
20.R.Krishnan
21.M.S.Swaminathan
22.P.Balasubramanian
23.R.Sreerengan

... Petitioners

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Corporation Limited,
(TANGEDCO), (formerly TNEB),
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merger of dearness relief of 50% from the pension of the petitioners in Clause 2 (e) and to quash the same as illegal and consequently, for a direction, to direct the respondents to re-fix the pension of the petitioners who have retired from service from 01.01.2006 to 30.11.2007 on par with State Government Employees by way of granting fitment weightage @40% of the basic pension of the petitioners including the effect of merger of 50% dearness allowances along with arrears and all other consequential benefits within the time period stipulated by this Court.

W.P.(MD)No.20822 of 2018:

1.K.Sankara Narayanan
2.A.Koodandi
3.K.Subbiah
4.V.Swaminathan
5.G.Mahalingam
6.V.Renganathan

... Petitioners

vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO), (formerly TNEB),
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144, Anna Salai, Chennai-600 002.



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2. Tamil Nadu Electricity Board (TNEB),
presently known as Tamil Nadu Generation
and Distribution Corporation Limited,
(TANGEDCO),
represented by its Secretary,
144, Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in (Per) B.P.(Ch)No.235, dated 01.12.2009, on the file of the respondent no.2 in so far as excluding the merger of dearness relief of 50% from the pension of the petitioners in Clause 2 (e) and to quash the same as illegal and consequently, for a direction, to direct the respondents to re-fix the pension of the petitioners who have retired from service from 01.01.2006 to 30.11.2007 on par with State Government Employees by way of granting fitment weightage @40% of the basic pension of the petitioners including the effect of merger of 50% dearness allowances along with arrears and all other consequential benefits within the time period stipulated by this Court.



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W.P.(MD)No.24668 of 2018:

1.K.Renganathan
2.D.Chandramohan
3.K.Venkatesan

... Petitioners

vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO), (formerly TNEB),
represented by its Chairman/Director,
144, Anna Salai, Chennai-600 002.

2.Tamil Nadu Electricity Board (TNEB),
presently known as Tamil Nadu Generation
and Distribution Corporation Limited,
(TANGEDCO),
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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in (Per) B.P.(Ch)No.235, dated 01.12.2009, on the file of the respondent no.2 in so far as excluding the merger of dearness relief of 50% from the pension of the petitioners in



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Clause 2 (e) and to quash the same as illegal and consequently, for a direction, to direct the respondents to re-fix the pension of the petitioners who have retired from service from 01.01.2006 to 30.11.2007 on par with State Government Employees by way of granting fitment weightage @40% of the basic pension of the petitioners including the effect of merger of 50% dearness allowances along with arrears and all other consequential benefits within the time period stipulated by this Court.

W.P.(MD)No.3915 of 2019:

- 1.V.Balakrishnan
- 2.M.Valli
- 3.T.S.Rajagopal
- 4.R.Sankara Narayanan
- 5.M.Murugesan

... Petitioners

vs.

- 1.Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), (formerly TNEB),
represented by its Chairman/Director,
144, Anna Salai, Chennai-600 002.
- 2.Tamil Nadu Electricity Board (TNEB),
presently known as Tamil Nadu Generation



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and Distribution Corporation Limited,
(TANGEDCO),
represented by its Secretary,
144, Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in (Per) B.P.(Ch)No.235, dated 01.12.2009, on the file of the respondent no.2 in so far as excluding the merger of dearness relief of 50% from the pension of the petitioners in Clause 2 (e) and to quash the same as illegal and consequently, for a direction, to direct the respondents to re-fix the pension of the petitioners who have retired from service from 01.01.2006 to 30.11.2007 on par with State Government Employees by way of granting fitment weightage @40% of the basic pension of the petitioners including the effect of merger of 50% dearness allowances along with arrears and all other consequential benefits within the time period stipulated by this Court.

In all cases:

For Petitioners : Mr.S.Rajasekar



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For Respondents : M/s.M.Parameswari

COMMON ORDER

These writ petitions have been filed challenging the impugned order passed by the second respondent, dated 01.12.2009, in so far as excluding the merger of dearness relief of 50% from the pension of the petitioners in Clause 2 (e) and to quash the same as illegal and consequently, for a direction, to direct the respondents to re-fix the pension of the petitioners who have retired from service from 01.01.2006 to 30.11.2007 on par with State Government Employees by way of granting fitment weightage @40% of the basic pension of the petitioners including the effect of merger of 50% dearness allowances along with arrears and all other consequential benefits within the time period stipulated by this Court.



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2. The contention of the petitioners are that they are retired employees of the respondent Corporation. The Government of Tamil Nadu took a policy decision for merger of 50% dearness allowance with basic pay / pension with effect from 01.01.2006. The said benefit was extended to all the State Government employees as well as the retired pensioners. However, the said benefit was not extended to the employees of the Electricity Board. Hence, the petitioners and Associations repeatedly submitted several representations to the respondents to extend the same benefit to the Board employees. Thereafter, the Board extended the benefit and issued an order for merger of 50% dearness allowance with basic pay / pension with effect from 01.08.2006. However, the petitioners have filed a writ petition in W.P.No.2658 of 2017 before this Court to extend the benefit from 01.01.2006. This Court, by order dated 19.09.2019, directed the second respondent in the writ petition to



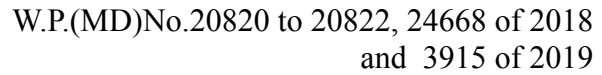
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of the Board. The said policy decision was taken on the floor of the Assembly and the same was implemented by Board Proceedings in (Permanent) B.P.(FB).No.41, dated 31.08.2006 and hence, the claim of the petitioners to implement the same with effect from 01.01.2006 on par with State Government employees cannot be sustained and prayed to dismiss the writ petitions.

4. Heard Mr.S.Rajasekar, the learned counsel for the petitioners in all cases and M/s.M.Parameswari, the learned Standing counsel appearing for the respondents in all cases and perused the records.

5. The issue in these writ petitions is whether the petitioners are entitled for merger of 50% dearness allowance with basic pay/pension with effect from 01.01.2006. Admittedly, the State Government has



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6.The learned Counsel appearing for the petitioner submitted that the Board Proceedings in (Permanent) B.P.(FB)No.41, dated 31.08.2006, was issued in the year 2006. However, the respondents have not considered in the light of the subsequent B.P. Proceedings. The learned Standing Counsel for the respondents submitted that the said Board Proceedings in (Permanent) B.P.(FB)No.41, dated 31.08.2006, is still applicable and there is no improvement in the financial position of the Board. This Court is simply recording the said submission.

7. However, liberty is granted to the petitioners to submit a fresh representation and if there is any change in the policy decision and if there is any change in the financial position of the respondents, the said representation may be considered.



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8. In the result, these Writ Petitions are dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

Index : Yes / No

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Internet : Yes

NCC : Yes / No

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S.SRIMATHY, J

Tmg

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