



W.P.No.16116 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.03.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.16116 of 2018

B.G.Subramanyam

.. Petitioner

/versus/

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

2.The Chief Engineer(Personnel),
Tamil Nadu Generation &
Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai, Chennai 600 002.

3.The Chief Engineer,
Tamil Nadu Generation &
Distribution Corporation Limited,
(TANGEDCO),
North Chennai Thermal Power Station,
Athipattu Pudunagar,
Chennai 600 120.



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4.The Superintending Engineer,
Purchase and Administration,
Tamil Nadu Generation &
Distribution Corporation Limited,
(TANGEDCO),
Chennai 600 120.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondent Nos.3 and 4 to re-fix the pension of the petitioner by granting the benefit of TANGEDCO Revised Pay (Workmen) Regulations, 2011 and provide all the consequential benefits to the petitioner within the time period stipulated by this Hon'ble Court.

For Petitioner :Mr.M.Kavin Castro

For Respondents :Mr.I.David Sundar Singh
Standing Counsel for
(TANGEDCO)

ORDER

This Writ Petition is filed seeking a Writ of Mandamus to direct the 3rd and 4th respondents to re-fix the pension of the petitioner by extending the benefit of TANGEDCO Revised Pay (Workmen) Regulations, 2011 and provide all the consequential benefits to the petitioner within the time period stipulated by this Court.



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2.The case of the petitioner is that, he was employed as Deputy Financial Controller in the 3rd respondent Corporation. He was retired on 30.11.2011 AN. His pension was fixed based on the last pay drawn as on 30.11.2011. A new wage revision came into effect with effect from 01.12.2011 (i.e) immediately on the next date of his retirement. Though he was also deemed to be retired from the service from 01.12.2011, he was not provided the benefit of the wage revision/TANGEDCO Revised Pay (Workmen) Regulations, 2011. Furthermore, several similarly placed employees were given the benefit to the wage revision with effect from 01.12.2011.

3.The learned counsel appearing for the petitioner would submit that the object of the wage revision vide TANGEDCO Revised Pay (Workmen) Regulations, 2011 is that the wage of the employees, who have rendered a considerable service of four years, are entitled for revision and on that basis, all those employees, who have completed five years of service are provided with the benefit of the wage revision as per the existing policy. Though the petitioner has rendered requisite service, he was deprived of wage revision as per Revised Pay (Workmen)



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Regulations, 2011 for the reason that he had retired on 30.11.2011 (i.e.) one day prior to the date of implementation of wage revision (i.e) 01.12.2011 and hence, he sought to allow the writ petition by extending the benefit of wage revision to the petitioner with all consequential benefits.

4. On behalf of the respondents, a counter-affidavit has been filed. In the said counter-affidavit, it is stated that the petitioner was retired from service on 30.11.2011. The respondent Board has constituted a Wage Revision Committee consisting of certain Members and Officers of the Board to hold negotiations with the officer's Association for revision of scales of pay, special pays and allowances for the officers with effect from 01.12.2011. After holding several discussions with the TNEB Engineers' Association and TNEB Finance and Accounts Officers Association, the Board passed the orders for the revision of wages of the officers with effect from 01.12.2011 as per Board Proceedings (Per) Proceedings No.3, (Secretariat Branch), dated 11.01.2014. As the wage revision to the officers of the Board deemed to have come into force on 01.12.2011, the officers, who were on service on 01.12.2011 alone are



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eligible for the benefit of revision of wages. Since the petitioner had retired from service on attaining the age of superannuation on 30.11.2011, the petitioner is not entitled for wage revision.

5.It is further averred in the counter-affidavit that the representation of the petitioner dated 10.04.2018 was rejected as his request for revision of pay is against the TNEB Revised Scale of Pay (Officers) Regulation, 2011. The petitioner had approached this Court, after a lapse of 5 years without genuine reason. As per the Pension Rules of Tamil Nadu Government/TANGEDCO, the retired employees of the board ceased to be an employee of the Board from the date of their superannuation. As such, they are not entitled for the benefit or charge subsequent to their date of retirement.

6.The learned Standing Counsel appearing for the respondents submits that the Writ Petition was filed after a lapse of 5 years without any plausible explanation or justification and inordinate delay of 5 years in filing this writ petition has not been explained properly and on this ground alone, the writ petition deserves to be dismissed.



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7.Having heard the submissions of the learned respective counsels and on a careful perusal of the materials available on record, it is an undisputed fact that the petitioner retired from service on 30.11.2011 on attaining superannuation. The respondents Board passed the orders for the Revision of Wages with effect from 01.12.2011. As rightly contended by the learned Standing Counsel appearing for the respondents, since the petitioner retired from service on attaining the age of superannuation on 30.11.2011 (i.e.) prior to the giving effect to the Revision of Wages of the Officers (i.e.) on 01.12.2011, the petitioner is not entitled for the benefit under Wage Revision.

8.Besides this, though the petitioner retired on 30.11.2011 and the respondents Board passed order for the Revision of Wages of the Officers with effect from 01.12.2011, the petitioner did not choose to represent before the respondents Board till 10.04.2018. He has submitted the representation only on 10.04.2018. He filed the writ petition only after lapse of 5 years. The petitioner failed to show any sufficient cause for the delay of 5 years in filing the writ petition. As such, this Writ Petition is liable to be dismissed on the ground of delay



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9. For the reasons stated above, in view of the fact that the petitioner had retired from service prior to giving effect to the revision of wages, the petitioner is not entitled for the benefit under the said representation. As such, he is not entitled for the relief sought for in this Writ Petition. The petitioner failed to make out any case on facts or law for interference of this Court under Article 226 of the Constitution of India. As such, this Writ Petition is liable to be dismissed.

10. Accordingly, this Writ Petition is dismissed.

11. There shall be no order as to costs.

19.03.2024

Index:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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BATTU DEVANAND,J.

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