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W.P.Nos.3211 & 3213 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.3211 & 3213 of 2020 and
WMP.Nos.3722 & 3729 of 2020

WP.No.3211 of 2020

Tamilnadu Electricity Board Retired Pension Welfare Organisation,
(Register No.S318/1998)

Rep. By its General Secretary,
Fellor D.J.Memorial,
27, Mosque Street,
Chepauk,
Chennai 600 005

... Petitioner

Vs.

1.The Tamilnadu Generation and
Distribution Corporation Ltd.,
Rep. By its Chairman and Managing Director,
800, Anna Salai,
Chennai 600 002

2.The Deputy Secretary,
The Tamilnadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari calling for the records pertaining to impugned order passed by the second respondent dated 08.02.2019 in



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proceedings 1077/A28/A282/2019-2 passed therein and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.K.Rajkumar,
Standing Counsel

WP.No.3213 of 2020

Tamilnadu Electricity Board Retired Pension Welfare Organisation,
(Register No.S318/1998)

Rep. By its General Secretary,
Fellor D.J.Memorial,
27, Mosque Street,
Chepauk,
Chennai 600 005

... Petitioner

Vs.

1.The Tamilnadu Generation and
Distribution Corporation Ltd.,
Rep. By its Chairman and Managing Director,
800, Anna Salai,
Chennai 600 002

2.The Secretary,
The Tamilnadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari calling for the records pertaining to impugned order passed by the second respondent dated 06.11.2019 in proceedings (Per) No.32667/A18/A183/2019-2 passed therein and to



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quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.K.Rajkumar,
Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the orders passed by the second respondent dated 08.02.2019 and 06.11.2019 thereby rejected the request made by the petitioner seeking for cash gift, increase in pension in commemoration of 60 years of formation of Tamilnadu Electricity Board to the petitioners/family pensioners/Exgratia beneficiaries who retired prior to 01.12.2015.

2. The petitioner which is an association consisting the retired employees of Tamilnadu Electricity Board as members submitted representation to provide one notional increment and requested the extension of the same benefit at the rate of 3% increment to those pensioners of the petitioner association, who retired prior to 01.12.2015.



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3. It is seen that the very same issue was already dealt with by this Court in WP.No.33432 of 2019, wherein this Court rejected the request of the petitioners therein by order dated 15.11.2022. The relevant paragraphs of the said order is extracted hereunder:

“3. Gifts/Bonus are concessions, extended by the respondents in commemoration of 60 years of the formation of the Tamil Nadu Electricity Board, to the existing employees and with reference to the employees who retired during the relevant point of time, and it cannot be extended to all the employees who retired long before the celebration of 60 years of the formation of Tamil Nadu Electricity Board.

4. Gifts or concession cannot be claimed as an absolute right. It is a policy decision of the respondent Board and it was extended in commemoration of the completion of 60 years and such concession or gift given cannot be claimed by the employees who retired long before or otherwise. That apart, the said cash gift/increase in pension was granted based on the 12(3) Settlement, entered into, between the Labour Union and the Board. Thus, the petitioner who is a retired employee, retired in the year 1989 ie., long before the implementation of the cash gift cannot claim the said benefit merely on the ground that the cut-off date fixed by the respondent is bad in law.

5. The cut-off date fixed by the respondent has got a nexus and the objects ought to be achieved. All the employees serving during the relevant point of time in the year 2017 were



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extended the benefit of gift and the retirees, from the year 2015 to the year 2017 also were extended the benefit of an increase in pension. Therefore, the cut-off date fixed by the respondent cannot be said to be improper or otherwise. The cut-off date has got a nexus with reference to the celebration of 60 years of the Tamil Nadu Electricity Board and such a policy decision taken by the Board cannot be interfered with by the High Court in the exercise of the powers of the Judicial Review under Article 226 of the Constitution of India.”

4. In view of the above, this Court finds no infirmity or illegality in the impugned orders passed by the second respondent. As such, both the writ petitions are devoid of merits and liable to be dismissed. Accordingly, both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

13.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Chairman and Managing Director,
The Tamilnadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai,
Chennai 600 002
- 2.The Secretary,
The Tamilnadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai,
Chennai 600 002
- 3.The Deputy Secretary,
The Tamilnadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai,
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