



W.P.(MD).No.7912 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7912 of 2023

and

W.M.P(MD) No.7323 of 2023

P.Velayutham

... Petitioner

Vs.

1. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144, Anna Salai, Chennai – 600 002.

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

3. The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Sivagangai, Sivagangai District.

... 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 pertaining to the impugned order dated 11.08.2022 passed by the third respondent vide proceedings in க.எண். 0009191/61/மே.பொ/ சிமிபவ/ சிவ/



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நிஅ/ நிபி2/ உ1/ கோ.ஒய்வு/2022 and quash the same as illegal and consequently direct the respondents to sanction annual increment to the petitioner fell due on 01.07.2007 by considering the service rendered by the petitioner from 01.05.1974 to 30.06.2007 in accordance with Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the petitioner pension with all consequential benefit within the time period stipulated by this Court.

For Petitioner : Mr.C.Senthil Murugan
For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

The present Writ Petition has been filed by a retired employee of the respondent TANGEDCO, challenging the order, dated 11.08.2022 passed by the third respondent herein, wherein the request of the petitioner for a special increment was rejected.

2. The petitioner herein, who was working as an employee in TANGEDCO had attained superannuation on 30.06.2007. A Board proceedings was issued on 24.07.2007, granting one increment to all the employees who were in service as on 01.07.2007 in commemoration of the Golden Jubilee celebration of the Tamil Nadu Electricity Board.



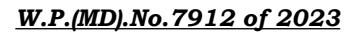
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3. According to the petitioner, he was in service till 30.06.2007 and hence he should also been granted special increment which had fallen due on 01.07.2007. The learned counsel appearing for the petitioner had relied upon the various judgments of the Hon'ble Supreme Court wherein a direction has been issued to disburse one increment if it had fallen on the next date of the retirement.

4. Per contra, the learned Standing Counsel appearing for the Electricity Board had contended that the Judgments relied upon by the learned counsel appearing for the petitioner is applicable only for disbursement of regular annual increments. But in the present case, the special increment was declared by the TNAGEDCO to commemorate Silver Jubilee celebration of Tamil Nadu Electricity Board. Therefore, unless the conditions laid down in the said Board proceedings are satisfied an employee would not be entitled to receive the special increment.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



7. In view of the above said facts, there are no merits in the Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

07.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi



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