



WEB COPY

W.P.No.10968



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.10968 of 2009

The Tamil Nadu Electricity Board,
Pensioners Welfare Organization,
Rep. by its General Secretary,
No.27, Mosque Street, Chepauk,
Chennai – 600 005.

... Petitioner

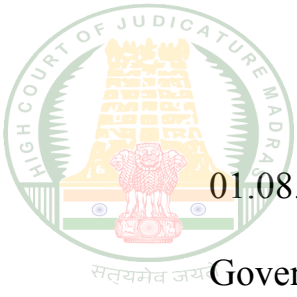
Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Fort St.George, Chennai.

2. The Tamil Nadu Electricity Board,
Rep. by its Secretary,
No.800, X Floor, K.R.R Maligai,
Anna Salai, Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner and consequently convert 50% of Dearness Allowance as Dearness Pension with effect from 01.01.2006 instead of



01.08.2006 for the members of the Petitioner Association as in the case of other Government Pensioners and pay the arrears to the members of the petitioner Association due from 01.01.2006 to 01.08.2006 within the the period that may be stipulated by this Hon'ble Court.

For Petitioner : M/s.V.Pushpa

For Respondents : Mr.K.Rajkumar

ORDER

This writ petition has been filed seeking issuance of a writ of certiorarified mandamus to direct the respondents to consider the petitioner's representation and consequently grant the benefit of converting 50% of Dearness Allowance into Dearness Pension with effect from 01.01.2006, instead of 01.08.2006, to the members of the petitioner Association, on par with other Government pensioners, and to pay the arrears for the period from 01.01.2006 to 01.08.2006.

2. At the threshold itself, it is brought to the notice of this court by Mr.K.Rajkumar, learned counsel appearing for the respondents that an identical writ petition filed by some of the pensioners was dismissed by the Madurai Bench of this Court in W.P (MD) Nos.4348 and 3881 of 2020, by an order



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dated 14.12.2020. However, the learned counsel for the petitioner contended that, the Madurai Bench of this Court, while passing the abovesaid order, had taken into consideration the settlement dated 08.07.1998, entered into between the Board and the Central Organization of Tamil Nadu Electricity Board under Section 18(1) of the Industrial Disputes Act, 1947, and it is only because of the said reason, both the writ petitions referred to above were dismissed by the Madurai Bench of this Court.

3. In the light of the above contention raised by the learned counsel for the petitioner, this court has examined the settlement dated 08.07.1998. No doubt, in terms of the said settlement, especially Paragraph 15(iii), 'the revision of pension scheme of the Government of Tamil Nadu, and any amendments thereon from time to time will be applied to the pensioners of the Tamil Nadu Electricity Board.'

4. In light of the above, the pensioners of the respondents Board are entitled for revision of pension on par with Government Employees. But the fact remains that the said settlement dated 08.07.1998 is only for a period of four years, which came to an end on 07.07.2002. The present revision is of the

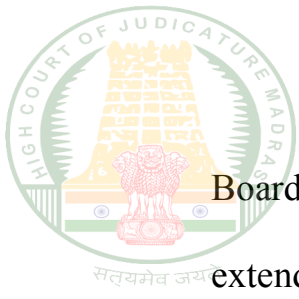


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year 2006. It is not in dispute that the abovesaid settlement dated 08.07.1998 seized to exist after 07.07.2002. If that is the admitted fact situation, the question of petitioner placing reliance on the said settlement does not arise. In the absence of the said settlement, there is no other basis for the claim that is being made by the petitioner, nor there is anything that is brought to the notice of this court to deviate from the view already taken by the Co-ordinate Bench of this court.

5. Further, the learned counsel for the petitioner also placed strong reliance on B.P. (FP) No.3 dated 13.02.2009, wherein at Paragraph No.3, it is stated that the Board is following the orders of the Government and its executive orders issued from time to time in respect of the pensioners of the Tamil Nadu Electricity Board. By placing reliance on the above Board Proceedings, the learned counsel for the petitioner contended that there is no change in the policy of the Board to follow the executive orders issued from time to time in respect of the pensioners of the Government.

6. This court, on considering the said submission, is unable to agree with the same, as a mere statement in the Board proceeding will not bind the



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Board unless the same is taken as a policy decision consciously. While extending some of the pensionary benefits to its employees, a passing observation was made by the Board in B.P. (FP) No.3 dated 13.02.2009.

7. In the light of the above, this court does not see any reason to deviate from the view already taken by the Co-ordinate Bench of this court in W.P(MD)Nos.4348 and 3881 of 2020, by an order dated 14.12.2020 and accordingly, this writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

30.06.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.
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