



W.P.Nos.30475, 30476, 31052 of 2013 & 9491 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.30475, 30476, 31052 of 2013 & 9491 of 2014

M.Gopalarathinam

... Petitioner in W.P.No.30475 of 2013

V.Saraswathi

... Petitioner in W.P.No.30476 of 2013

1.B.Ramanathan

2.G.D.M.J.Karunakaran

3.R.N.Rajan

... Petitioners in W.P.No.31052 of 2013

V.Ramanujan

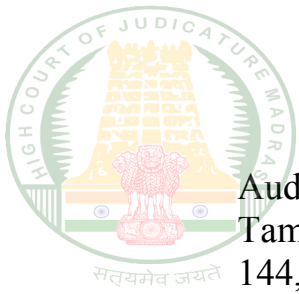
... Petitioner in W.P.No.9491 of 2014

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai,
Chennai 600 002.

2.The Secretary,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO)
144, Anna Salai,
Chennai 600 002.

3.The Chief Internal Audit Officer,



Audit Branch,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai 600 002.

.... Respondents in all W.Ps

Prayer in W.P.Nos.30475 & 30476 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd respondent issued in Lr.No. 020819/314/F4/F42/2013-2 dated 17.06.2013 and to quash the same and consequently direct the respondents to pass appropriate orders for revision of pension with reference to the Grade Pay of Rs.9,500/- @ Rs.23,850/- with effect from 18.05.2011, based on the revision of scale of pay to the post of CIAO in (Per.) CMD TANGEDCO Proceedings No.90 (Secretariat Branch) dated 18.05.2011 and (Per.) B.P. (CH) No. 235 (Secretariat Branch) dated 01.12.2009 along with interest.

Prayer in W.P.Nos.31052 of 2013 & 9491 of 2014: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to grant revision of pension to the Petitioners with reference to grade pay of Rs.9,500/- @ Rs.23,850/- with effect from 18.05.2011 based on the revision of scale of pay to the post of Chief Internal Audit Officer (CIAO) in (Per) CMD TANGEDCO proceedings No.90 dated 18.05.2011 along with interest.

For Petitioners : M/s.G.Sankaran, Senior Counsel
for M/s.B.Thingalaval

For Respondents : Mr.K.Rajkumar

COMMON ORDER

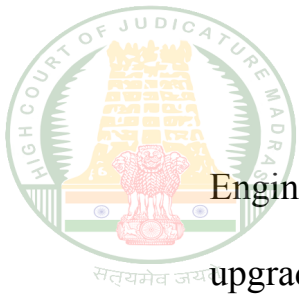


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As the issue that arises for consideration in all these writ petitions is one and the same, they are taken up for consideration together and are being disposed of by this common order.

2. All the petitioners herein are the persons worked as a Chief Internal Audit Officer (hereinafter referred as 'CIAO') in the erstwhile Tamil Nadu Electricity Board which is now transformed as Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and retired from service on attaining the age of superannuation before 01.12.2007. On retirement, the pension of the petitioners was accordingly fixed and they are being paid as such. Consequent upon implementation of revised pay scales by the State of Tamil Nadu through G.O.Ms.No.235 Finance (Pay Cell) Department, dated 01.06.2009, the respondent Corporation also adopted the same to the pensioners of the respondent Corporation through orders issued in (Per) B.P (Ch.) No.235 (SB), dated 01.12.2009. In terms of the said Board Proceedings, the pension of the petitioners herein were also revised and they are being paid pension in terms of the above said Board Proceedings with effect from 01.12.2007.

3. While so, the post of CIAO in the cadre of Superintending



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Engineer in the scale of pay of Rs.38,200-67,000+Grade Pay Rs.8,700 was upgraded to the rank of Chief Engineer in the scale of pay of Rs.38,200-67,000+Grade Pay of Rs.9,500 in audit branch through Board Proceedings bearing No.(Per) CMD TANGEDCO proceedings No.90 SB, dated 18.05.2011. It was thereafter, all the petitioners herein made a claim for revision of their pension taking into consideration the scale of pay attached to the post of CIAO in the rank of Chief Engineer i.e., Pay Band of Rs.38,200-67,000 with Grade Pay of Rs.9,500/-. The said claim made by the petitioners herein was rejected by the respondents by issuing different proceedings. It is aggrieved by the proceedings issued to the respective petitioners herein, all the petitioners have filed the present writ petitions.

4. Heard Mr.G.Sankaran, learned Senior Counsel for the petitioners and Mr.K.Rajkumar, learned counsel for the respondents.

5. The learned Senior Counsel appearing for the petitioners contended that in terms of paragraph No.4 of (Per)B.P(Ch.)No.235 (SB) dated 01.12.2009 read with G.O.Ms.No.235 dated 01.06.2009, the petitioners are entitled for pension at the rate of 50% of minimum of the pay that is Pay Band + Grade Pay applicable with effect from 01.12.2007 to the post last held by



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the petitioners herein i.e., CIAO post. Therefore, it is contended that once the pay band and grade pay of the post of CIAO was revised on upgradation, the petitioners are also entitled for revision of their pension by duly taking into consideration their revised pay adopted to the post of CIAO. In support of his contention, learned Senior Counsel placed reliance on Paragraph No.4 of the B.P.CH.No.235 dated 01.12.2009. The said paragraph No.4 reads as under:

“4. The Board has issued orders revising the scales of pay to its employees and officers in (P) B.P. (Ch) No. 223 (SB) dated 21.11.2009 and (P) BP. (Ch) No. 224 (SB) dated 21.11.2009 respectively with effect from 01.12.2007. Therefore, the fixation of pension shall be subject to the provision that the revised pension in no case shall be lower than fifty percent of the minimum of the pay in the pay band plus grade pay corresponding to the pre- revised pay scale from which the pensioner had retired. The employees who have retired from service prior to 01.12.2007 from the Selection Grade / Special Grade Post, their pension / family pension shall be calculated at 50% / 30% of the minimum of the pay in the pay band + Grand Pay applicable with effect from 01.12.2007, corresponding to the pre-revised scale of pay of the post last held by the employees at the time of their for calculation of pension / family pension with reference to the minimum of the revised pay scale + Grade Pay is given in Annexure - III. Such of the Pensioners / family pensioners shall apply to the Chief Internal Audit Officer in the prescribed form in Annexure IV to this order. The Chief Internal Audit Officer / Board Office Audit Branch shall revise both the pension and family pension on receipt of the completed application from the pensioner / family pensioner.”

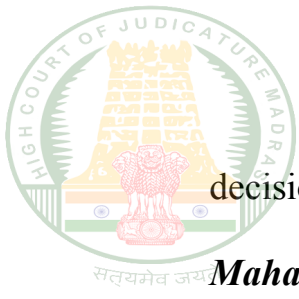
6. In nutshell, it is the contention of learned Senior Counsel that the



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pay scale attached to the post of CIAO was upgraded through proceedings No.90 dated 18.05.2011 and as such, in terms of paragraph No.4 of Board Proceedings dated 01.12.2009, the petitioners are entitled for 50 % of the pay band plus grade pay attached to the post of CIAO towards their pension . Therefore, the petitioners are entitled for grant of pension by duly taking into consideration the pay scale of the upgraded post of CIAO in terms of the proceedings No.90 dated 18.05.2011. In support of his contention, he also placed reliance on decisions of the Hon'ble Apex Court in the cases of ***Bharat Sanchar Nigam Limited Vs. R.Santhakumari Velusamy and others*** reported in ***(2011) 9 SCC 510*** and ***All Manipur Pensioners Association Vs State of Manipur and others*** reported in ***(2020) 14 SCC 625***.

7. On the other hand, Mr.K.Rajkumar, learned counsel appearing for the respondents contended that, through proceedings No.90 dated 18.05.2011, it is the post of CIAO in the rank of Superintending Engineer was upgraded to the rank of Chief Engineer together with pay scale with effect from 18.05.2011 and as such, the petitioners are not entitled to claim fixation/revision of their pension in terms of the said pay scale provided under proceedings No.90 dated 18.05.2011, as the petitioners have never worked in the post of CIAO in the rank of Chief Engineer. He also placed reliance on



decision of Bombay High Court in the case of *J.A.Patil Vs. State of Maharashtra* reported in **2006 (5) Mh.L.J. 614**.

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8. This Court has carefully considered the submissions made on either side and perused the entire material on record.

9. This Court, having considered the submissions made on either side, does not find any substance in the case of the petitioners and is of the considered view that the same is totally misconceived for the following reasons:

9.1. The entitlement of the petitioners for revision of their pension is based on the Board Proceedings vide (Per)B.P(Ch.)No.235 (SB) dated 01.12.2009 through which the revised pay scales that were implemented by the State of Tamil Nadu through G.O.Ms.No.235 dated 01.06.2009 were adopted by the respondent Corporation. No doubt, in terms of the paragraph No.4 of the Board Proceedings dated 01.12.2009, the petitioners are entitled to draw a pension calculated at the rate of 50% of the minimum of the pay in the pay band plus grade pay applicable with effect from 01.12.2007, corresponding to the post last held by the petitioners at the time of their retirement from service. But, in the instant case, all the petitioners herein who



retired from service while working as CIAO have worked in the said post in the rank of Superintending Engineer alone, but not in the rank of Chief Engineer. Thus, it is evident that the post that was held by the petitioners on the date of their superannuation from service is only CIAO in the rank of Superintending Engineer.

9.2. It is not in dispute that the pension payable to the petitioner has been revised in terms of B.P(Ch.)No.235 (SB) dated 01.12.2009, with effect from 01.12.2007. The claim of the petitioners, based on the upgradation of the post of CIAO to the rank of Chief Engineer through proceedings No.90 dated 18.05.2011, by taking into consideration the pay band and Grade Pay attached to the post of CIAO in the rank of Chief Engineer, does not in any way come within the purview of B.P(Ch.)No.235 (SB) dated 01.12.2009.

10. Be that as it may, in terms of paragraph No.4 of B.P(Ch.)No.235 (SB) dated 01.12.2009, the petitioners are entitled for calculation of their pension at the rate of 50% of the pay band plus grade pay applicable with effect from 01.12.2007 attached to the post last held by the petitioners. It is also mandated that such pay should be corresponding to the pre-revised scale of pay to the post last held by the employees at the time of their retirement. If



that be the case, the petitioners are entitled for revision of their pension basing upon the scale of pay corresponding to the pre-revised scale of pay attached to the post of CIAO. In the instant case, admittedly, all the petitioners herein were granted the benefit of revision of pension by taking into consideration the scale of pay corresponding to the pre-revised scale of pay for the post of CIAO. The decisions of the Hon'ble Apex Court were relied upon by the learned counsel for the petitioners, in the considered view of this Court, absolutely have no relevance to the issue on hand.

11. In the circumstances, this Court does not find any merit in these writ petitions and the same are accordingly dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

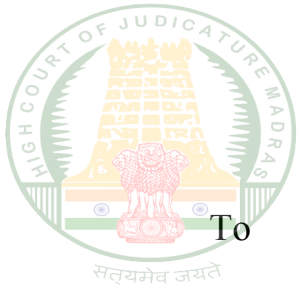
12.08.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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