



W.P. No. 17826 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 06.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 17826 of 2019

- 1.Natrajan
- 2.V.Ramalingam
- 3.N.Duraisamy
- 4.J.Kuppusamy
- 5.M.Pandian
- 6.C.Elangovan

... Petitioners

-VS-

1. The Chairman cum Managing Director
Tamil Nadu Generation & Distribution Corporation Ltd.
No.144, Anna Salai, Chennai-600002.
2. The Chief Engineer /Personnel
Tamil Nadu Generation & Distribution Corporation Ltd.
(Administrative Branch)
8th Floor, NP.K.R.R.Maalgai
144, Anna Salai, Chennai-600002.
3. The Superintending Engineer
Chennai E.D.C./West
Tamil Nadu Generation & Distribution Corporation Ltd.
Thirumangalam, Chennai-600040.
4. The Superintending Engineer
Vellore Electricity Distribution Circle
Gandhi Nagar, Vellore – 6.
5. Industries (MAC) Department
Rep. by its Secretary
The Government of Tamil Nadu
Fort St. George, Chennai-600009.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, after calling for the records pertaining to the letter No.1000859/485/G.29/G.291/2018-3 dated 05.10.2018 issued by the second respondent read with the Lr.No.016657/SE/CEDC/W/Adom/AdmII/A3/F.Pen/2018 dated 10.10.2018 issued by the third respondent, quash the same and consequently direct the respondents 1 to 4 to add the services of the petitioners rendered in the Tamil Nadu Steels Ltd., Arakkonam for pension and other pensionary benefits with arrears of pension.

For Petitioners : M/s.S.Meenakshi

For Respondents : Mr.David Sundar Singh
Standing Counsel for TNEB (RR1 to 4)
R5-No appearance

ORDER

These petitioners have filed this writ petition to call for the records pertaining to the letter in No.1000859/485/G.29/G.291/2018-3 dated 05.10.2018 issued by the second respondent read with the Lr.No.016657/SE/CEDC/W/Adom/ AdmII/A3/F.Pen/2018 dated 10.10.2018 issued by the third respondent and quash the same and to consequently direct the first to fourth respondents to add the services of the petitioners rendered in the Tamil Nadu Steel Corporation Limited, Arakkonam for pension and other pensionary benefits with arrears of pension.



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WEB 2.0 COPY Heard M/s.S.Meenakshi, learned counsel for the petitioners and Mr.David Sundar Singh, learned counsel for the first to fourth respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioners were ex-employees of the Tamil Nadu Steel Corporation Limited, Arakkonam. Since the above industry was closed as per the Government order issued in G.O.Ms.No.524, Industries (MIA.I) Department, dated 21.08.1998, the petitioners have been absorbed by the respondent /TANGEDCO. The services have been absorbed without any back service. All the petitioners had retired from service on their attaining the age of superannuation on 31.01.2011, 30.04.2017, 31.05.2016 and 31.08.2018 respectively. The petitioners had made representation to the respondent TNEB that their past services would also have to be included while counting the eligible qualifying service for pension and the same has been considered and rejected. Hence, the petitioners have filed this writ petition.

4. The learned counsel for the petitioners submitted that in the impugned order dated 05.10.2018, it is stated that the past service of the petitioners cannot



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be taken into account because their services in TNSC Limited would fall under non-pensionable services.

5. Attention was drawn to Rule 11(2) of Tamil Nadu Pension Rules, 1978, wherein it is stated that half of the services rendered in the non-pensionable establishment can also be counted for the pensionable service for non-pensionable service subject to the following conditions:-

“11. Commencement of qualifying services.

(1)

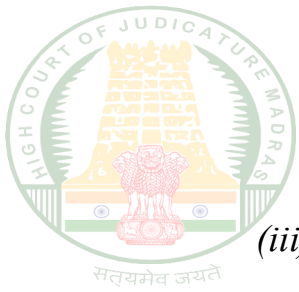
(2)

(3)

(4) *[Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 in respect of Government -employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-*

(i) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;

(ii) Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly basis and subsequently absorbed in regular service under the State Government;



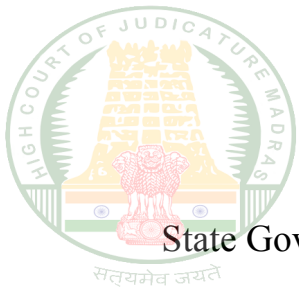
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(iii) *Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break.*

Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003. Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.] [Rule 11(4) and Proviso added - G.O.Ms.No.41, Finance (Pension) Department, dated 09-02-2010.] ”

6. In this regard, the TNEB itself has issued a Board Proceedings in B.P.(FB) No.56 dated 12.10.1992. In the impugned order dated 05.10.2018, there is no reference made to the above Board Proceedings in B.P.(FB) No. 56 dated 12.10.1992. The cut-off date for counting the above service under the Pension Rules would be 01.04.2003. In fact, the amendment to Rule 11(4) has also been brought in to include even the half of the services rendered under the



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State Government in non-provisionalized service, consolidated pay, honorarium

or daily wages basis shall be in a job involving whole time employment. As the earlier services rendered by the petitioners is the non-pensionable service and their employment is whole time scale of pay and they have been absorbed without any break in service, the petitioners ought to have been given with the benefit of counting their half of the services for the purpose of calculating the pension. As the impugned order has been passed unmindful of the Rules and the Government Orders and the Board Proceedings, the same is liable to be set aside.

7. In the result, this writ petition is allowed and the letter No.1000859/485/G.29/G.291/2018-3 dated 05.10.2018 issued by the second respondent read with the Lr.No.016657/SE/CEDC/W/Adom/AdmII/A3/F.Pen/2018 dated 10.10.2018 issued by the third respondent are set aside and the respondents 1 to 4 are directed to count 50% of the past services of the petitioners rendered in the Tamil Nadu Steels Ltd., Arakkonam for the period from 10.01.1979 to 31.07.1998, from 20.03.1986 to 31.07.1998, from 24.03.1986 to 31.07.1998, from 20.03.1986 to 31.07.1998, from 15.03.1980 to 31.07.1998 and from 08.05.1986 to 31.07.1998 respectively as qualifying



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services for the purpose of pension and other pensionary benefits with arrears

of pension within four weeks. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Chairman cum Managing Director
Tamil Nadu Generation & Distribution Corporation Ltd.
No.144, Anna Salai, Chennai-600002.
2. The Chief Engineer /Personnel
Tamil Nadu Generation & Distribution Corporation Ltd.
(Administrative Branch)
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R.N.MANJULA, J.

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