



W.P No. 18423 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 18423 of 2014

1. K. Duraisamy (Deceased)
2. Vasanthi
3. Thalapathi
4. Priya
(Petitioners 2 to 4 are substituted as Lrs of
deceased 1st petitioner vide order of this
Court dated 27.02.2025)

..Petitioners

Vs

1. Tamilnadu Generation and Distribution
Corporation Ltd.,
rep by its Chief Engineer (Personnel)
144, Anna Salai, Chennai-2.

2. The Superintending Engineer
Kadamparai Generation Circle
Tamilnadu Generation and
Distribution Corporation Ltd.,
Attahatti, Coimbatore District.

..Respondents



W.P No. 18423 of 2014

WEB COPY

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to count the petitioner service as regular and pensionable service, from the date of completion of 480 days in 24 calendar months, from the date of the petitioner joining on 01.08.1974 and to pay him the revised pension and other terminal benefits for the petitioner entire service, together with interest, award costs.

For Petitioners : Ms. G.K. Dharshini

For Respondents : Mr. David Sundar Singh, Standing
Counsel

ORDER

The captioned writ petition has been filed seeking the issuance of a writ of mandamus directing the respondents to count the services of the petitioner as regular and pensionable service from the date of completion of 480 days within 24 calendar months from the date of his joining duty, i.e., 01.08.1974, and to pay the revised pension and other terminal benefits.

2. The deceased petitioner was appointed as a Sweeper on 01.08.1974 in the office of the Superintending Engineer, Mettur Electricity Distribution Circle, Mettur. Pursuant to the order passed by this Court in W.P. No. 9289 of 1986 dated 25.04.1991, the Superintendent of the Tamil Nadu Electricity Board



W.P No. 18423 of 2014

issued proceedings dated 07.11.1992 appointing the deceased petitioner as a regular sweeper in the Mettur Electricity Distribution Circle. The deceased petitioner retired from service on attaining the age of superannuation on 28.02.2014. During his lifetime, the deceased petitioner submitted a representation to the respondents seeking to count 50% of the services rendered as a part-time sweeper from 01.08.1974 to 16.09.1986 for the purpose of computation of pension and other terminal benefits. As the said request was not considered, the petitioner was constrained to approach this Court by way of the present writ petition.

3. The learned counsel for the petitioner submitted that, as per the respondents' proceedings dated 08.09.2011, half of the services rendered by employees/pensioners in TANGEDCO on temporary basis after 01.01.1961 and absorbed into regular service before 01.04.2003 shall be counted for pensionary benefits along with regular service. Therefore, in light of the said proceedings, half of the services rendered by the petitioner ought to be counted for pensionary benefits along with regular service, and the denial of the same is arbitrary and discriminatory.



W.P No. 18423 of 2014

WEB COPY

4. In response, the learned counsel for the respondents submitted that the petitioner was absorbed on 02.12.1992 and, in the absence of documentary evidence to substantiate that the petitioner had worked as a sweeper prior to that date, the claim of the petitioner is untenable and the writ petition is liable to be dismissed.

5. Heard the submissions of the learned counsel for the parties and perused the documents placed on record.

6. The petitioner had earlier approached this Court in W.P. No. 9289 of 1986 seeking a direction to the respondents to appoint him to any one of the permanent posts of Sweeper/Helper/Assessor, contending that he had worked for more than 480 days within 24 calendar months. In the said order, the Coordinate Bench of this Court observed that the deceased petitioner was working as a part-time sweeper in the Madras Electricity Board from 16.08.1974, as evident from the letter dated 31.11.1979 addressed by the Superintending Engineer, Mettur Dam, to the Chief Engineer, Anna Salai, Madras. Based on the said letter, the Coordinate Bench concluded that the



W.P No. 18423 of 2014

petitioner had rendered more than 480 days of continuous and uninterrupted service within a period of 24 calendar months in the establishment of the respondents as a part-time sweeper and was entitled to the conferment of permanent status under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The said order has attained finality and, admittedly, has been implemented by the respondents.

7. Therefore, the said order clearly establishes that the petitioner was working on a temporary/part-time basis with effect from 01.08.1974 till his permanent absorption on 07.11.1992. The respondents are denying the benefit of counting 50% of the services rendered by the petitioner on a temporary basis solely on the ground that the petitioner had not worked prior to the date of absorption, which is contrary to the records.

8. The learned counsel for the respondents relied on the order of the Division Bench of this Court in W.A. No. 785 of 2015 dated 28.07.2025, wherein it was held that a Government servant would be entitled to the benefit under Rule 11 of the Tamil Nadu Pension Rules, 1978 only from the date on which he took charge of the post to which he was appointed either substantively or in an officiating or temporary capacity. There is no dispute



W.P No. 18423 of 2014

with regard to the said proposition. However, in the present case, the records clearly establish that the petitioner officiated as a sweeper on a part-time basis with effect from 01.08.1974. Therefore, the reliance placed by the learned counsel for the respondents is misplaced and not applicable to the facts of the present case.

9. In view of the above, this Court is of the considered view that the petitioner worked as a sweeper on a temporary/part-time basis with effect from 01.08.1974 and is entitled to count 50% of the service rendered prior to the date of regularisation, i.e., from the date of completion of 480 days within 24 calendar months from 01.08.1974, as regular and pensionable service, as per the proceedings of the respondents dated 08.09.2011.

10. Accordingly, the following order is passed:

(i) The writ petition is allowed.

(ii) The respondents are directed to count 50% of the services rendered by the deceased petitioner from the date of completion of 480 days within 24 calendar months from the date of joining duty, i.e., 01.08.1981, and to revise the pension and other pensionary benefits accordingly, and disburse the consequential arrears of monetary benefits within a period of three (3) months from the date of receipt of



W.P No. 18423 of 2014

a copy of this order.

WEB COPY

(iii) Consequently, the connected miscellaneous petition is closed.

There shall be no order as to costs.

04.12.2025

Index : Yes/No
Internet : Yes/No
ak

To
1.The Chief Engineer (Personnel)
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai-2.

2.The Superintending Engineer
Kadamparai Generation Circle
Tamilnadu Generation and
Distribution Corporation Ltd.,
Attahatti, Coimbatore District.



WEB COPY



W.P No. 18423 of 2014

HEMANT CHANDANGOUDAR, J.

ak

W.P No. 18423 of 2014

04.12.2025