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W.A No.3797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-01-2025**

CORAM

THE HONOURABLE MR JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

W.A No.3797 of 2024

and CMP Nos.29833 and 24528 of 2024

1. The Chairman and Managing Director
Tamil Nadu Electricity Board, 10th Floor
Eastern Wing, NPKRR Maaligai
No.144, Anna Salai, Chennai 600 002.

2.The Chief Engineer / Personnel
8th Floor (Eastern Wing),
NPKRR Maaligai, No.144, Anna Salai
Chennai 600 002.

3.The Secretary
Tamil Nadu Electricity Board
10th Floor, Eastern Wing
NPKRR Maaligai, No.144, Anna Salai
Chennai 600 002.

... Appellants

Versus

C.Tamizhselvan

.... Respondent

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 11.01.2024 made in WP.No.4581 of 2021.

For Appellant : Mr.G.Anandhakrishnan for M/s.Agam Legal
For Respondents : Mrs.Thenmozhi Shivaperumal



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J U D G M E N T

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(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the writ Court dated 11.01.2024 made in WP.No.4581 of 2021.

2. The respondent/writ petitioner had been working as Assistant Engineer (Civil) in the appellant Board. By Board Proceedings dated 31.05.2022 in B.P.No.112, the Assistant Executive Engineers (Civil) have been re-designated as Executive Engineers (Civil) (Non-Independent) without monetary benefit.

3. Therefore, in order to get such re-designation with monetary benefit of one increment to the post of Executive Engineer(Civil) (Non-Independent), the petitioner though had approached the Writ Court, in the meanwhile the re-designation since has been given but without monetary benefit of one increment, that aspect alone was traversed in the said writ petition. The learned Writ Court, by order dated 11.01.2024, has ordered the writ petition by recording the re-designation of the writ petitioner as Executive Engineer (Civil) (Non-Independent). The Writ Court has further directed the respondents therein to sanction at least one increment on par with other similarly placed persons for whose benefit, one increment has been sanctioned after re-designation as seen in the Board Proceedings in (Permanent) B.P.(Ch) No.101 dated 11.06.2008 and (Permanent) B.P.(Ch) No.102 dated 25.09.2010.



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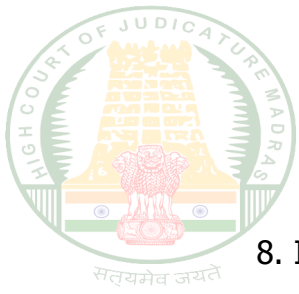
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4. Aggrieved over the said order, the present Writ Appeal has been filed at the instance of the appellant TANGEDCO.

5. Heard Mr.G.Anandhakrishnan for M/s.Agam Legal for the appellants and Mrs.Themozhi Shivaperumal for the respondent.

6. There were originally two grievances for the writ petitioner. One is for re-designation ie., the Assistant Executive Engineer (Civil) to be re-designated as Executive Engineer (Civil) (Non-Independent), which of his grievance has been accomplished by issuance of TANGEDCO proceedings in B.P.No.112 dated 31.05.2022. However, by the said proceedings though re-designation has been made, no financial benefit has been extended. Thereby, even the one single increment has been denied. This is the second grievance of the respondent/writ petitioner.

7. In this context, the learned Writ Court has considered that, in earlier occasion, by issuance of B.P.No.101 dated 11.06.2008 and B.P.No.102 dated 25.09.2010 already the post has been re-designated as Executive Engineers (Civil) (Non-Independent), who have been given one time increment with effect from the date of such appointment as Assistant Executive Engineers (Civil).



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8. Insofar as this grievance of the respondent/writ petitioner is concerned, the learned Writ Court having taken into consideration that the said benefit conferred on them at the time of re-designation of Assistant Executive Engineer (Civil), by the issuance of the two Board Proceedings in B.P.No.101 and B.P.No.102 dated 11.06.2008 and 25.09.2010 respectively, taking the clue, the Court came to the conclusion that such a benefit be given to the present beneficiaries including the writ petitioner on such re-designation as Executive Engineer (Civil) (Non-Independent).

9. In this context, the contention of the learned counsel for the appellant Board is that, the one time increment and the re-designation as sought for by these beneficiaries at the time when they got such re-designation as Assistant Executive Engineers (Civil) by virtue of B.P.No.101 and B.P.No.102 dated 11.06.2008 and 25.09.2010 respectively and this petitioner is also one of such beneficiaries of such one time increment allowed in the year 2008 and 2010. When that being so, once again such an increment cannot be extended to the people like the writ petitioner who have now been re-designated as Executive Engineer (Civil)(Non-Independent).

10. In this context, the learned counsel for the appellant would further contend that, such a plea when was raised and a representation to that effect has been given on behalf of the writ petitioner, the same has been placed before the TANGEDCO Board and by minutes of the 117th Board Meeting held on 09.09.2023 this issue has been decided in Item No.8 by rejecting the said proposal for extending



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the financial benefit of one increment for the re-designated post as Executive Engineer (Civil)(Non-Independent).

11. The said proceedings has also been filed before this Court, after serving a copy of the same to the counsel for the respondent/writ petitioner.

12. Even though we do not find any reason in the said decision that has been recorded in the Minutes of the Board Meeting dated 09.09.2023, the learned Standing Counsel for the appellant has relied upon a copy of the proposal of the meeting, wherein the following reason has been stated:

“ 7. Now, Thiru.C.Tamizhselvan, has frequently requested to sanction one increment to the post of Executive Engineer/Civil (NI) and submitted a representation to the Additional Chief Secretary to Government/Industries Department. In which the Additional Chief Secretary to Government has remarked as follows:-

“For Board Meeting of TANGEDCO”

If the request of the above said individual is considered, 78 Nos.of Executive Engineer/Civil (NI) have to be paid one increment in the said posts as ordered in (Per) CMD TANGEDCO Proceedings No.112 SB dated 31.05.2022 and the TANGEDCO will incur an additional financial commitment which works out to Rs.17,19,02,016/- per annum. Further, similar request may also be received from the Assistant Executive Engineer/Mechanical, for which the TANGEDCO will incur an additional financial commitment works out to Rs.10,79,89,728/- per annum.”



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13. We have also gone through the said reason, whereby the TANGEDCO has stated that, if the plea of the writ petitioner is considered for giving one increment on re-designation as Executive Engineer (Civil)(Non-Independent), such a gesture has to be shown to all such similarly placed persons numbering 78, the TANGEDCO will incur an additional financial commitment which works out to Rs.17,19,02,016/- per annum.

14. On what basis such a working of the financial commitment had been made by the TANGEDCO in the said proposal is not known. The reason being that, if the total number of Executive Engineers re-designated are only 78, even if one increment is given, which, according to the learned counsel for the respondent/writ petitioner would be around Rs.2,50,000/- or at the most Rs.3,00,000/- per annum. When that being the position, how such a huge financial commitment to the extent of Rs.17,19,02,216/- has been projected before this Court by citing the proposal given by TANGEDCO for consideration by the Board at the time of the 117th Board Meeting is not known.

15. Be that as it may. Now a rejection has been made by the Board by its 117th Board Meeting dated 09.09.2023 and Minutes to that effect has been placed before this Court, a copy of which also has been served on the learned counsel for the respondent/writ petitioner. Whether such a decision now taken by the Board to



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reject the proposal for extending the benefit of one time increment for the re-designated Executive Engineers, whether to be sustained or not is a matter to be gone into in an appropriate proceedings. Therefore, we are inclined to dispose of this Writ Appeal with the following orders:

- (a) That the direction given by the learned Judge in Para 6 of the impugned order dated 11.01.2024 made in W.P.No.4581 of 2021, for giving the benefit of one increment to be sanctioned after re-designation on par with the sanction already been made under B.P.No.101 and 102 dated 11.06.2008 and 25.09.2010 respectively, are not to be sustained and those directions are set aside.
- (b) But at the same time, independently the plea raised by the respondent/writ petitioner can be pursued by making a challenge against the decision taken by the Board through its 117th Board Meeting dated 09.09.2023 in the manner known to law.
- (c) By giving such a liberty to the writ petitioner, this writ appeal is ordered accordingly in the terms indicated above.



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16. With the above directions, this writ appeal is disposed of. No costs.

Consequently connected miscellaneous petitions are closed.

(R.SURESH KUMAR J.) (C.SARAVANAN J.)
09-01-2025

Index : Yes/No

NCS : Yes/No

KST

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**R.SURESH KUMAR, J.
AND
C.SARAVANAN, J.**

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