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W.P.No.7790 of 1998

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7790 of 1998

The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri – 5.

... Petitioner

Vs.

1.The Presiding Officer of
Labour Court, Vellore.

2.D.Chandrasekaran

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent relating to the award dated 27.01.1998 and made in C.P.No.606 of 1997 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal Advocate
For Respondents : R1 – Labour Court
R2 – No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Certiorari calling for the records of the first respondent relating to the award dated 27.01.1998 and made in C.P.No.606 of 1997 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the second respondent filed C.P.No.606 of 1997 under Section 33C (2) of the Industrial Disputes Act alleging that he is entitled to receive Special Contribution as per Regulation 37 of Tamil Nadu Electricity Board Employees Contributory Provident Fund Regulation to the tune of Rs.95,160/- and the same was allowed by the first respondent.

3.The learned counsel appearing for the petitioner further submitted that there are two schemes available in the Tamil Nadu Electricity Board; one is pensionable scheme and another is non pensionable scheme. The learned counsel further submitted that the second respondent is governed by pensionable scheme and received all the retirement benefits under the scheme and hence, he is not entitled to receive Special Contribution. The learned counsel further submitted that once a person received pensionary benefits, he is not entitled to receive Special Contribution, however, the first respondent



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allowed the claim of the second respondent, which is not sustainable one. The learned counsel further submitted that similar issue was

considered by this Court in the case of the Superintending Engineer, Tamil... Vs. The Presiding Officer, Labour Court on 16.10.2006.

4.Heard the learned counsel appearing for the petitioner. Though the name of the second respondent was printed in the cause list, there is no representation. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.Admittedly, the second respondent is a retired employee of the petitioner Board and he filed C.P.No.606 of 1997 under Section 33C(2) of the Industrial Disputes Act alleging that he is entitled to receive Special Contribution as per Regulation 37 of Tamil Nadu Electricity Board Employees Contributory Provident Fund Regulation to the tune of Rs.95,160/-, in which, the petitioner has filed counter statement stating that the second respondent was paid the following retirement benefits of pension scheme:

1.General Provident Fund	: Rs.1,00,799/-
2.Death-cum-Retirement Gratuity	: Rs.53,328/-
3.Monthly Pension	: Rs.3,454/-



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4.Commutation of pension	: Rs.66,903/-
5.Family Benefit Fund	: Rs.5,512/-
6.Special Provident Fund cum Gratuity	: Rs.8,024/-

6.Once the second respondent received the entire retirement benefits of pension scheme, he is not entitled to receive Special Contribution as per Regulation 37 of Tamil Nadu Electricity Board Employees Contributory Provident Fund Regulation since no one is entitled for double benefit one under the pensionable scheme and another under non pensionable scheme since such claim is not maintainable and there is no pre existing rights to claim the amount under Section 33C(2) of the Industrial Disputes Act. Hence, the impugned order is liable to be set aside.

7.The writ petition is allowed. The award of the first respondent dated 27.01.1998 made in C.P.No.606 of 1997 is set aside. No costs.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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1.The Presiding Officer,
Labour Court, Vellore.

M.DHANDAPANI,J.
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