IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

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THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

W.P. Nos.143 and 144 of 2019
and
W.M.P. Nos.155 and 157 of 2019

W.P. No.143 of 2019:

S.Abdul Bari
19, Sneha Apartments (Flat - 15)
4th Main Road, Kasturba Nagar,
Adayar, Chennai-20

Petitioner(s)

Vs

1.The Chairman,
Tamil Nadu Generation and Electricity
Distribution Corporation (TANGEDCO),
No.144, Anna Salai, Chennai-2.

2.The Chief Internal Audit Officer
Board Office Audit Branch,
Tamil Nadu Generation and Electricity
Distribution Corporation (TANGEDCO) ,
Chennai.

Respondent(s)

W.P. No.144 of 2019:

S.Gothandaraman
C/o.L.Sridhar, No.10, Jaya Street,

Kadaperi, Chennai-45

Petitioner(s)

Vs

1.The Chairman
Tamil Nadu Generation and Electricity
Distribution Corporation (TANGEDCO)
No.144, Anna Salai, Chennai-2.

2.The Chief Internal Audit Officer
Board Office Audit Branch,
Tamil Nadu Generation and Electricity
Distribution Corporation (TANGEDCO) ,
Chennai.

Respondent(s)

PRAYER in W.P.No.143 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for records of the 2nd respondent made in Letter No.06235/2675/F.1/F.12/2015-7 dated 10.9.2015 and quash the same and consequently direct the Respondents to notionally re-fix the period from 27.1.1971 (date of joining as Junior Assistant) for the purpose of seniority and re-fix the pay and allowances accordingly and pay the arrears of pay and allowances as per the same within a time frame.

PRAYER in W.P.No.144 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for records of the 2nd respondent made in Letter No.06235/2675/F.1/F.12/2015-7 dated 10.9.2015 and quash the same and consequently direct the Respondents to notionally re-fix seniority of the petitioner Assistant Audit Officer (retired) by reckoning the period from 1.2.1971 (date of joining as Junior Assistant) for the purpose of seniority and re-fix the pay and allowances accordingly and pay the arrears of pay and allowances as per the same within a time frame.

For Petitioners in both cases	: Mr.S.Silambannan Senior Counsel for Mr.M.Babu Barveez
For Respondents in both cases	: Mr.A.P.Venkatesh Prasad for Adult Law Chamber

COMMON ORDER

Heard the learned Senior Counsel appearing on behalf of the petitioners and the learned counsel appearing for the respondents.

2. The case of the petitioners in brief is that the petitioners joined the services of the respondent in the year 1971 as Junior Assistant; that they were transferred to Accounts Wing as Junior Auditor in the year 1978 and thereafter petitioners retired in the year 2002 and 2003 respectively; that the respondents while preparing the seniority list have considered the petitioners as new joinees by taking their date of joining into the Audit Department as the date of their seniority by excluding the service rendered by them from the year 1971, and it is contended as illegal and arbitrary.

3. Per contra, the learned counsel appearing on behalf of the respondents would submit that as the petitioners were appointed as fresh appointees into Audit Wing in the year 1978, their seniority has been fixed as per their date of joining in the Audit Department.

4. Learned counsel for the respondents would further submit that though seniority is fixed on the basis of date of joining in Audit Department, the respondents while fixing the Retiral and other terminal benefits have taken into consideration the service rendered by the petitioners from the time they joined as Junior Assistant till they retired from service.

5. Learned counsel for the respondents contending as above placed reliance on the judgment of the Division Bench of this Court in W.A.Nos.59, 57, 71, 99 and 108 of 2025 dated 25.02.2025.

6. I have taken note of the submissions made on either side.

7. Though the petitioners while approaching this Court had claimed that the services rendered by them as Junior Assistant has to be reckoned for the purpose of fixing their seniority with the respondent Department, even though they were transferred to Audit Department in the year 1978, it is to be noted that a similar issue had come up for consideration before the Division Bench of this Court (cited supra) wherein the Hon'ble Division Bench has observed as under:

"8. It has been time and again pointed out that a person's

seniority in a particular post can be counted only from the date on which he is borne into that service in that post, it can't be from the date anterior to it. The Hon'ble Supreme Court in K.Meghachandra Singh and others vs. Ningam Siro and others reported in 2020 (5) SCC 689 has made this position very clear. Admittedly, the petitioners were borne in service as Junior Auditors only in 1979. Therefore, they would be entitled to seniority in that service only from 1979."

8. The Division Bench by observing as above further noted the submissions made on behalf of the respondents therein that the services as Junior Assistant has been counted for pension and other terminal benefits and the relevant portions of the order reads as under:

"9. Mr.Anand Gopalan, learned counsel appearing for the Board would concede that their services as Junior Assistants have been counted for pension and other terminal benefits. Therefore, we do not find any reason for issuance of Mandamus as prayed for and we find that the writ Court was right in rejecting their claim."

9. In the facts and circumstances of the present case, as the learned counsel appearing on behalf of the respondents had submitted to the Court that the respondents have taken into consideration the service rendered by the petitioners as Junior Assistant while fixing the pension and other terminal

benefits and placed before this Court a statement of service rendered by the petitioners and working sheet in respect of Special Provident Fund cum Gratuity scheme of the petitioners.

10. The Learned Senior Counsel appearing on behalf of the petitioners after going through the statement as furnished by the learned counsel for the respondents would fairly submit that the respondents have taken into consideration the service rendered by the petitioners as Junior Assistant while determining the pension and other terminal benefits, which is in line with the order of the Division Bench of this Court in W.A.Nos.59 of 2025 and etc., batch.

11. Though the petitioners claimed for fixing seniority in the Audit Department by considering the services put in by them as Junior Assistants are not entitled to claim, since, the respondents have granted pension and other terminal benefits to the petitioners by considering the services put in by them as Junior Assistant. This Court is of the view that the grievance of the petitioners stands redressed and no further adjudication is required in these writ petitions in view of the judgment of the Division Bench of this Court in W.A.Nos.59 of 2025 and batch dated 25.02.2025.

12. Accordingly, the Writ Petitions stand closed. No costs. Consequently, the connected miscellaneous petitions are closed.

10.11.2025

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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To:

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Tamil Nadu Generation and Electricity
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T.VINOD KUMAR, J.

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W.P. Nos.143 and 144 of 2019

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