



W.A.(MD)No.840 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 14.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.840 of 2020  
and  
C.M.P.(MD)No.4638 of 2020**

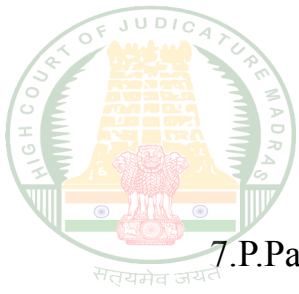
- 1.The Chairman cum Managing Director,  
Tamilnadu Generation and Electricity  
Distribution Corporation,  
144, Anna Salai, Chennai - 600 002.
- 2.The Chief Engineer / Personal,  
Tamilnadu Generation and Electricity  
Distribution Corporation,  
144, Anna Salai, Chennai - 600 002.
- 3.The Superintending Engineer,  
Theni Electricity Distribution Company,  
Theni.

... Appellants

Vs.

- 1.C.Kannan
- 2.P.Ponnaiah
- 3.R.Ptichaimani
- 4.J.Lakshmi
- 5.V.Ramuthai
- 6.S.Vinesh Kumar

1/8



W.A.(MD)No.840 of 2020

7.P.Paulraj

8.K.Ganesan

9.K.Machendiran

10.V.Subburaj

11.P.Paulpandiyan

... Respondents

**Prayer :** Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.1899 of 2012 dated 05.02.2020 on the file of this Court.

For Appellants : Mr.Anand Gopalan

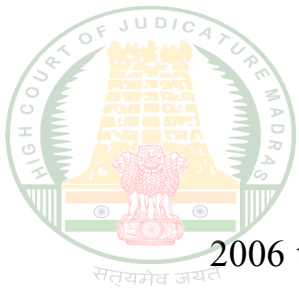
For Respondents : Mr.K.Appadurai for R1 - R4, R7 - R9 & R11

**JUDGMENT**  
**(By G.R.SWAMINATHAN, J.)**

Heard both sides.

2.TANGEDCO is on appeal challenging the order dated 05.02.2020 made in W.P.(MD)No.1899 of 2012 filed the respondents herein.

3.The respondents herein were working as Sweepers / Scavengers in various distribution circles in Theni District. They had joined between



*W.A.(MD)No.840 of 2020*

2006 to 2009 on consolidated pay. They were subsequently brought into time scale of pay. Suddenly, without notice, they were informed vide order dated 04.01.2012 passed by the third appellant that the proceedings by which they were brought into time scale of pay stood cancelled. In other words, they were reverted to the original position of working on consolidated pay. Aggrieved by the same, the writ petitioners stopped reporting for duty. They instead filed W.P.(MD)No.1899 of 2012. The learned Single Judge vide order dated 05.02.2020 set aside the order impugned in the writ petition and directed the management to reinstate them with continuity of service and monetary benefits. Aggrieved by the same, the management has filed this writ appeal.

4.An order of interim stay was granted on 22.09.2020. When the writ appeal was taken up for disposal, the learned counsel for the writ petitioners submitted that if the writ petitioners are reinstated with continuity of service in time scale of pay, they would not insist on payment of backwages. This undertaking given by the writ petitioners through their counsel is placed on record.



W.A.(MD)No.840 of 2020

5.Paragraph Nos.7, 8 and 9 of the order of the learned Single Judge

read as follows:-

*“7. Admittedly, the petitioners had been working as Part Time Sweepers / Sanitary Workers from 2006 to 2008 onwards in a consolidated pay under the third respondent and the petitioners have completed 480 days of continuous service in 24 calendar months in a phased manner. Considering the same and also considering the order of the 2nd respondent dated 02.08.2011 and also the other orders dated 05.09.2011 and 15.09.2011, the petitioners were absorbed in a time scale of pay with DA by the 3rd respondent on 18.10.2011. The 3rd respondent has also approved the appointment of the petitioners. By order dated 21.11.2011, the Executive Engineer has agreed that the petitioners are also entitled to get arrears amount. As such, they were also paid first installment of the arrears amount. But, after about three months of their service, by the impugned order, the 3rd respondent has cancelled the absorptions of the petitioners stating that they were joined after the crucial date ie., after 15.10.2005.*

*8. Admittedly, the impugned order has been passed without any notice, which is a clear violation of principles of natural justice. The submission of the respondents that since the absorption of the petitioners were made in violation of the order dated 02.08.2011, there is no necessity to issue notice to them,*



WEB COPY

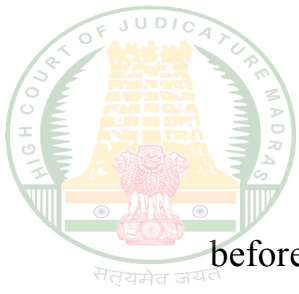


W.A.(MD)No.840 of 2020

*cannot be accepted for the reasons that the order of the 2nd respondent was not violated by the petitioners and before absorption, the petitioners were worked about 4 to 6 years as Part Time Sweepers in a consolidated pay and thereafter, only, they became regular employees. Having absorbed in a regular time scale of pay and having extracted their works, the respondents ought to have been issued notice to the petitioners before cancelling the orders of their absorption. Hence, this Court is inclined to set aside the impugned order dated 18.01.2012.*

*9.Though it is stated by the respondents that after the impugned order, the petitioners could have been worked on consolidated pay, but they did not turn up, this Court is not inclined to accept the same, because it has not been stated so in the impugned order. Therefore, the petitioners cannot be found fault with in any way. The petitioners are only last grade servants. Considering the mental agony undergone by them for these long years, this Court is inclined to direct the respondents to reinstate the petitioners with continuity of service and monetary benefits.”*

6.Admittedly, the writ petitioners are not guilty of any misrepresentation. The management on their own placed them in time scale of pay. Later, they noticed that only those who had joined service



**W.A.(MD)No.840 of 2020**

before 15.10.2005 could have been placed in time of scale of pay.

Realizing their mistake, the management cancelled the earlier order. But this was done without complying with the principles of natural justice. Persons who are engaged in conservancy work whether part-time or full-time, deserve to be placed in time scale of pay. Therefore, we sustain the order of the learned Single Judge directing their reinstatement and also placing them in time scale of pay. The writ petitioners cannot claim any backwages but they will be entitled to continuity of service.

7.This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.,) & (K.R.S. J.,)**  
**14.08.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias



WEB COPY



**W.A.(MD)No.840 of 2020**



WEB COPY



**W.A.(MD)No.840 of 2020**

**G.R.SWAMINATHAN, J.**  
**and**  
**K.RAJASEKAR, J.**

ias

**W.A.(MD)No.840 of 2020**

**14.08.2025**