

TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED

(ABSTRACT)

Pension – Qualifying Service for pension and calculation of pension – Revised orders of the Government – Adoption in TANGEDCO – Revised orders and amendments to Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960 – Issued.

(SECRETARIAT BRANCH)

(Per) FB TANGEDCO Proceedings No.24

Dated the 13th May, 2013.

Chithirai-30,
Thiruvalluvar Aandu 2044.

READ:

1. B.P.Ms.No.117 (SB), dated 10.09.1979.
2. (Per) B.P.(Ch) No.253 (SB), dated 23.09.1996.
3. G.O.Ms.No.71, Finance (Pension) Department, dated 19.03.2003.
4. (Per) B.P.(Ch) No.64 (SB), dated 31.03.2003.
5. (Per) B.P.(FB) No.17 (SB), dated 01.03.2006.
6. (Per) B.P.(FB) No.18 (SB), dated 01.03.2006.
7. G.O.Ms.No.496, Finance (Pension) Department, dated 01.08.2006.
8. (Per) B.P.(FB) No.62 (SB), dated 15.12.2006.
9. G.O.Ms.No.127, Finance (Pension) Department, dated 11.04.2007.

PROCEEDINGS:

Following the orders of the Government, orders were issued in B.P. second read above, reducing the maximum Net Qualifying Service from 33 years to 30 years for full pension and pension shall be determined based on 50% of average emoluments drawn during the last 10 months of service rendered or 50% of pay last drawn by the Board employees, whichever is higher. The said orders came into effect from 01.07.1996. Subsequently, the Government, in its G.O. third read above, issued orders enhancing the maximum Net Qualifying Service from 30 years to 33 years. The said G.O. was adopted in TANGEDCO with effect from 01.04.2003 – vide B.P. fourth read above. It has also been ordered therein that the pension would be calculated based on the emoluments drawn during the last 10 months of service rendered by the Board employees. But, the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960 which is also applicable to the employees of the TANGEDCO in addition to Tamil Nadu Pension Rules, 1978, was not amended, to this effect. Based on the observation of the Supreme Court, the orders issued in B.P. fourth read above, were cancelled vide B.P. fifth read above. Simultaneously, fresh orders were issued in B.P. sixth read above to that effect, with necessary amendments to regulations 3(2) and 3(3) of the TNEB Liberalised Pension Regulations, 1960. The amendment issued to TNEB Liberalised Pension Regulations, 1960 on the direction of the Supreme Court could not be given effect to, due to the interim stay granted by the Hon'ble High Court in W.P.M.P.No.9631 of 2006 in W.P.No.8675 of 2006 dated 29.03.2006 and the maximum Net Qualifying Service eligible for full pension was continued to be 30 years, though the TNEB Liberalised Pension Regulations, 1960 had not been suitably amended.

2. Subsequently, the Government of Tamil Nadu, in its G.O. seventh read above, issued revised orders, reducing the maximum qualifying service from 33 years to 30

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years to become eligible for full pension and the pension shall be determined based on 50% of pay last drawn or 50% of average emoluments drawn during the last 10 months of service rendered whichever is higher. The said G.O. was adopted in TANGEDCO and necessary amendments to the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960 were issued with effect from 31.07.2006 – vide B.P. eighth read above.

3. Again, the Government, in its G.O. ninth read above, issued orders, extending retrospective effect to the orders issued in G.O. seventh read above, from 01.04.2003, thereby the same benefit extended by the Government with effect from 01.07.1996 - vide G.O. second read above, has been restored. If the G.O. ninth read above is adopted in TANGEDCO, the effect of the orders mentioned in para-2 above (as per B.P. eighth read above) shall be given retrospective effect from 01.04.2003 instead of 31.07.2006, thereby the same benefit shall be restored from 01.07.1996 in TANGEDCO also. Therefore, the orders issued in B.P. sixth read above, making amendments to TNEB Liberalised Pension Regulations, 1960, become null and void and the same need to be cancelled.

4. Taking into consideration of all the above points, a detailed proposal on adoption of the G.O. ninth read above and on making amendments to Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960, has been placed before the Board of TANGEDCO for its approval. The Board, after careful examination, approved the said proposal.

5. Accordingly, the TANGEDCO hereby orders that

- (i) the orders issued in G.O.(Ms) No.127, Finance (Pension) Department, dt.11.04.2007, be made applicable to the employees of the TANGEDCO, extending the orders issued in (Per) B.P.(FB) No.62 (SB), dated 15.12.2006 with retrospective effect from 01.04.2003;
- (ii) the orders issued in (Per) B.P.(FB) No.18 (SB), dated 01.03.2006, be cancelled and the amendments to the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960 issued in the said B.P., be deleted;

and

- (iii) the amendments already issued in (Per) B.P.(FB) No.62 (SB), Dated 15.12.2006, be modified in accordance with the orders issued in B.P. second read above and the consolidated amendments to the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960, be issued with effect from 01.07.1996 in pursuance of the orders issued in B.Ps. first and second read above.

6. Accordingly, in exercise of the powers conferred by Section 79(c) of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), read with Section 185 of the

Electricity (Supply) Act, 2003 and G.O.Ms.No.100, Energy (B2) Department, dated 19.10.2010, the Tamil Nadu Generation and Distribution Corporation Limited (formerly Tamil Nadu Electricity Board) makes the following amendments to the Tamil Nadu Electricity Board Liberalised Pension Regulations, 1960:-

AMENDMENTS

In the said Regulations, in regulation 3,-

1) in sub-regulation (2),-

- (i) for the expression "An employee may retire from service any time after completing thirty years' of qualifying service", the expression "An employee may retire from service any time after completing twenty years of qualifying service or fifty years of age", shall be substituted;
- (ii) for the expression "The Board may also require an employee to retire any time after he has completed thirty years of qualifying service", the expression "The Board may also require an employee to retire any time after he has completed thirty years of qualifying service or fifty years of age", shall be substituted;

2) for sub-regulation (3), the following sub-regulation shall be substituted, namely:-

An employee who retires or is retired from Board's service on or after 01.07.1996, after completing qualifying service of more than 10 years and not less than thirty years, shall be granted retiring pension at the rate of 50% of last pay drawn or 50% of average emoluments drawn during the last ten months of service rendered whichever is higher and the maximum qualifying service to become eligible for full pension shall be thirty years:

Provided that in the case of a Board employee who retired on or after the 1st July 1996, before completing qualifying service of thirty years but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under this sub-regulation.

7. The receipt of these Proceedings shall be acknowledged in the slip enclosed.

(BY ORDER OF THE BOARD)

**R.KRISHNAN,
SECRETARY (ADDL.CHARGE).**

To

All Chief Engineers.
All Chief Financial Controllers.
The Chief Internal Audit Officer/Audit Branch.
All Superintending Engineers.

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