

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.1709 to 1712 of 2014 and
and M.P.Nos.1, 1, 1 and 1 of 2014 and
C.M.P.Nos.15981 to 15984 of 2016

W.A.No.1709 of 2014:

B.Selvam

...

Appellant

-vs-

1. The Managing Director,
Tamil Nadu Water & Drainage Board,
Chennai.

2. The Executive Engineer,
Maintenance Division,
Tamil Nadu Water & Drainage Board,
Thiruvarur.

....

Respondents

W.A.No.1710 of 2014:

Velusamy

....

Appellant

-vs-

1. The Managing Director,
Tamil Nadu Water & Drainage Board,
Chennai.

2. The Executive Engineer,
Maintenance Division (Siruvani),
Coimbatore.

...

Respondents

W.A.No.1711 of 2014:

K.Murugesan

...

Appellant

-vs-

1. The Managing Director,
Tamil Nadu Water & Drainage Board,
Chennai.

2. The Executive Engineer,
Maintenance Division,
Tamil Nadu Water & Drainage Board,
Thirupur District.

... Respondents

W.A.No.1712 of 2014:

R.Balakrishnan

... Appellant

-vs-

1. The Managing Director,
Tamil Nadu Water & Drainage Board,
Chennai.

2. The Executive Engineer,
Maintenance Division (Siruvani),
Coimbatore.

... Respondents

Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.15798, 15799, 15800 and 27369 of 2010 respectively, dated 17.10.2012.

W.P.No.15798, 15799, 15800 and 27369 of 2010:-

Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to implement the Board Order B.P.Ms.No.505, dated 12.12.1986 and grant all the benefits in accordance with the board order.

For Appellant :: Mr.S.Ayyadurai for
in all appeals Mr.S.Muthukrishnan

For Respondents :: Ms.S.Thamizharasi
in all appeals

COMMON JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellants in these appeals have filed writ petitions before this Court in W.P.Nos.15798 to 15800 and 27369 of 2010 respectively, for a Writ of Mandamus directing the respondents to implement the Tamil Nadu Water & Drainage Board's Order made in B.P.Ms.No.505 dated 12.12.1986 and grant all the benefits in

accordance with the Board's order.

2.The matter pertains to implementation of the IV Pay Commission Report in respect of the employees of the Tamil Nadu Water and Drainage Board. The learned single Judge, considering the facts and circumstances of the case, dismissed the writ petitions by order dated 17.10.2012 on the ground that the appellants herein, having accepted a different pay scale on the basis of a particular Board Proceedings, cannot turn around at this point of time and make a claim to obtain the benefits of the earlier Board Proceedings. We have no second opinion over this finding rendered by the learned single Judge.

3.But the learned counsel for the appellants has submitted that in respect of some of the employees, wages have been refixed. In this connection, he referred to the proceedings dated 21.11.2012 which has been enclosed in Page No.60 of the typed set of papers and submitted that the said document has not been brought to the notice of the learned single Judge, by the Department. The learned counsel for the respondents has not objected the said submission.

4.In these circumstances, liberty is granted to the appellants to approach the learned single Judge by way of filing appropriate application to review the order passed by the learned single Judge and to pass appropriate orders, after taking note of the said document.

5.The writ appeals are disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Water & Drainage Board, Chennai.
2. The Executive Engineer,
Maintenance Division,
Tamil Nadu Water & Drainage Board,
Thiruvaurur.

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3. The Executive Engineer,
Maintenance Division (Siruvani),
Coimbatore.
4. The Executive Engineer,
Maintenance Division,
Tamil Nadu Water & Drainage Board,
Thirupur District.

+2ccS to Mr.S.Muthukrishnan, Advocate, S.R.No.52325

W.A.Nos.1709 to 1712 of 2014 and
and M.P.Nos.1, 1, 1 and 1 of 2014 and
C.M.P.Nos.15981 to 15984 of 2016

KJI (CO)
CS/20/08/18



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