

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9916 of 2013

1. A.Periakaruppan
2. M.Samynathan
3. Rm.P.Somasundaram
4. R.Pitchai
5. V.Venkatesh

... Petitioners

-Vs-

1. The Managing Director,
Tamil Nadu Water Supply and
Drainage Board 31,
Kamarajar Salai,
Chepauk, Chennai - 600 005.

2. The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board,
R.W.S.Division,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus, directing the first respondent to regularize the services of the petitioners from i.e.20.03.1986, 09.04.1990, 12.04.1990, 27.03.1988 & 12.04.1990 respectively, the date on which they have completed 480 days continuous service in a period of 24 calendar months in the scale of pay for the post of Electrician and Turn Cock as per clause 1, 4 and 7 of the 12 (3) settlement dated 08.08.1996 entered by the respondent Board and seven recognized unions and also based on the Judgment of the Hon'ble Division Bench of Madurai High Court on 25.06.2012 in W.A.(MD).No.375 and 376/2008 duly sanctioning fixation of pay and annual increments notionally, selection grade and special grade scale of pay and ensure all other benefits within the time frame as may be fixed by this Hon'ble Court.

For Petitioner : G.P.Arivuchudar

For Respondents : No appearance

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to regularize the services of the writ petitioner with retrospective effect as per clause 1, 4 & 7 of the 12 (3) of the settlement dated 08.08.1996 entered by the respondent Board and seven recognized unions and also based on the Judgment of the Hon'ble Division Bench of Madurai High Court.

2. This Court is of an opinion that the regularization based on the 12 (3) settlement can be claimed by way of an adjudication before the Labour Court. This Court cannot appreciate the documents of the facts by adducing the evidences in the present writ petition filed under Article 226 of the Constitution of India.

3. All such disputed facts are to be adjudicated by submitting the documents and by adducing evidences. Violation of 12 (3) settlement can be raised before the competent Labour Court by the aggrieved persons. This being the principles to be followed, the writ petitioner is at liberty to approach the competent Court of law for adjudication of all the disputes with reference to the 12 (3) settlement entered into between the management and the recognized unions.

4. With these observations the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

pns/sk

To

1. The Managing Director,
Tamil Nadu Water Supply and
Drainage Board 31,
Kamarajar Salai,
Chepauk, Chennai - 600 005.
2. The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board,

R.W.S.Division,
Sivagangai.

+lcc to Mrs.Law Square, Advocate SR.No.72048

W.P.No.9916 of 2013

EV(CO)

GMV (14/11/2018)



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