

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30225 of 2011

N.Rajasundaram

.. Petitioner

vs.

1. Tamil Nadu Water Supply &
Drainage Board,
rep.by its Chairman and Managing Director,
Chennai 600 005.

2. The Chairman and Managing Director,
Tamil Nadu Water Supply & Drainage Board,
Chennai 600 005.

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the respondents to pay the petitioner the following benefits: 1) three annual increments which is approximately Rs.30,000.00 2) pay for the period of suspension which is approximately Rs.70,000.00/- i.e. from 07.11.1996 to 21.05.1997 3) pay arrears from 15.08.2001 to 30.09.2002 4) revised pension from 01.10.2002 and 5) notional promotion from 06.02.1999 on which date he ought to have been promoted as Superintending Engineer and the consequential monetary benefits i.e. from 06.02.1999 to 15.08.2001.

For Petitioner : Mrs.Rita Chandra Sekar
for Aiyar & Dolia

For R1 and R2 : Mr.S.Eraskine Leo

O R D E R

This writ petition has filed by the petitioner praying to issue a writ of Mandamus directing the respondents to pay the petitioner the following benefits: 1) three annual increments which is approximately Rs.30,000.00 2) pay for the period of suspension which is approximately Rs.70,000.00/- i.e. from

07.11.1996 to 21.05.1997 3) pay arrears from 15.08.2001 to 30.09.2002 4) revised pension from 01.10.2002 and 5) notional promotion from 06.02.1999 on which date he ought to have been promoted as Superintending Engineer and the consequential monetary benefits i.e. from 06.02.1999 to 15.08.2001

2. According to the learned counsel for the petitioner, the petitioner was working as Superintending Engineer in the year 1999, a charge memo was issued vide ref.No.111702/Estt.(DP.II)/A3/96-1 dated 19.11.1996; departmental proceedings was conducted by the respondents and the respondents imposed the punishment of stoppage of increment for a period of three years with cumulative effect. Challenging the said imposition of the said punishment made under P.B.Ms.No.515 dated 20.11.1997, W.P.No.19591 of 1997 has been filed before this Court and the same has allowed the said writ petition. Challenging the aforesaid order passed in W.P.No.19591 of 1997, the respondents-TWAD Board had preferred Writ Appeal No.493 of 2005 and the same was dismissed on 19.06.2007. Thereafter, the petitioner made a representation dated 03.12.2008 to the Board to revise pensionary benefits and other benefits. The Chairman and Managing Director of TWAD Board sent a letter dated 16.07.2009 to the petitioner, in which it is stated as follows:

" In view of the Hon'ble High Court order dated 20.10.2004 and dated 19.06.2007, the punishment of stoppage of increment for 3 years with cumulative effect awarded to N.Rajaszundaram, then E.E.(now S.E.(Re5td.) in MD's Proc.2nd cited and confirmed in the reference 3rd cited are hereby set aside subject to the outcome of the R.A.filed by the Board in W.A.No.493/20056 pending before the Hon'ble High Court, Madras".

The petitioner has not received any communication from the respondents- Board. Hence, the petitioner has filed the present writ petition before this Court.

3. Counter affidavit has been filed by the learned counsel appearing for the respondents-Board. In para -11 of the counter affidavit, the respondents have stated as follows:

I submit that, in the present writ petition the petitioner has requested the benefits as follows:

1) three annunal increments which is approximately Rs.30,000.00 2) pay for the period of suspension which is approximately Rs.70,000.00/- i.e. from 07.11.1996 to

21.05.1997 3) pay arrears from 15.08.2001 to 30.09.2002 4) revised pension from 01.10.2002 and 5) notional promotion from 06.02.1999 on which date he ought to have been promoted as Superintending Engineer and the consequential monetary benefits i.e. from 06.02.1999 to 15.08.2001.

In view of the order passed in W.P.No.19591 of 1997 dated 20.10.2004 and the order passed in W.A.No.493 of 2005 dated 19.06.2007, the punishment of stoppage of increment for three years with cumulative effect awarded to the petitioner in Proc.No.111702/Estt.(DP.II)/A3/96-5 dated 21.05.1997 are confirmed in B.P.Ms.No.515 dated 20.11.1997 is hereby set aside. Further it is stated that the Board has taken steps to file the Review Application in SR. No.68306 of 2007 in W.A.No.493 of 2005 and the same is still pending before this Court. However, it is further stated in the counter affidavit that the petitioner request has to be considered and subject to the outcome of the review application. The second respondent also filed the counter affidavit by stating that the Board will take steps to move the Registry at an earliest.

4. Taking note of the fact that the respondents-Board has filed the review application in SR.No.68306 of 2007 and the said application is still pending, the request of the petitioner shall be considered for granting of benefits as claimed by him positively and in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. If any benefit has been granted, the said order has been passed subject to the outcome of the review application.

5. It is also open to the respondent to seek appropriate orders before this Court in review application.

6. The writ petition stands disposed of with the above direction. No cost.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

kkd

To

1. Tamil Nadu Water Supply &
Drainage Board,
rep.by its Chairman and Managing Director,
Chennai 600 005.
2. The Chairman and Managing Director,
Tamil Nadu Water Supply & Drainage Board,
Chennai 600 005.

+1 cc to M/s.Aiyar & Dolia, Advocate, S.R.No.838

W.P.No.30225 of 2011

SKV(CO)
SSM(10/01/2019)



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