



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
[THROUGH VIDEO CONFERENCING]
DATED : 19.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

REV.APLC(MD)No.137 of 2019

in

W.A. (MD)No.174 of 2018

in

WP(MD)No.6033 OF 2012

1.S.Sahul Hameed
2.R.Nattarayan
3.N.R.Sundaramoorthy
4.A.Karuppannan
5.K.Sivasubramanian
6.M.Sivagnanam

... Review Applicants/ Respondents

Vs.

The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.33, Kamarajar Salai, Chepauk,
Chennai-5.

... Respondent

Prayer: Review Application filed under Order 47, Rule 1 r/w Section 114 of the Civil Procedure Code, to review the order passed by this Court in W.A.(MD)No.174 of 2018, dated 05.02.2018.

Prayer in WA(MD). 174 of 2018 :

Writ Appeal filed under clause 15 of the letters patent praying to set aside the order passed by this Court in WP(MD)No. 6033 of 2012 dated 29.11.2016.

Prayer in WP(MD). 6033 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the respondent in his letter No.22012/Pani/Niru/A1/2011 dated 02.08.2011 rejecting the claim of the petitioner and quash the same and consequently direct the respondent to extend the benefit of award of the Labour Court in I.D.No. 147 of 1993 in respect of the category of Drillers to the petitioners herein.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioners : Mr.R.Rengaramanujam
For Respondent : Mrs.Porkodi Karnan

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.)**

By consent, the Review Application is taken up for final disposal.

2. Mrs.Porkodi Karnan, learned Counsel accepts notice on behalf of the respondent.

3. The facts leading to the filing of the review application would have been narrated in detail and extenso in the impugned judgment dated 05.02.2018, passed in W.A.(MD)No.174 of 2018 and therefore, it is not necessary to restate the facts once again.

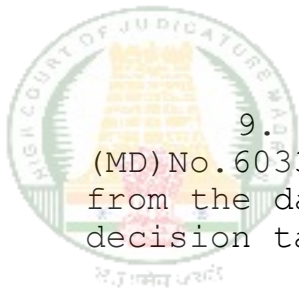
4. The learned Counsel appearing for the review applicants has drawn the attention of this Court to the award dated 07.11.1996, made in I.D.No.147 of 1993, passed by the Labour Court, Tirunelveli and would submit that the review applicants / writ petitioners were already working as drillers in the pay scale of 1200-2040 from the year 1981, 1982 and 1988 onwards and in the light of the fact that they are also similarly placed like that of the members of the petitioner association in I.D.No.147 of 1993, on the file of the Labour Court, Tirunelveli, the similar benefit may also be extended to them and hence, prays for allowing the review application.

5. The learned Counsel appearing for the respondent, on instructions, would submit that the review applicants/writ petitions are similarly placed like that of the the claimants in I.D.No.147 of 1993, on the file of the Labour Court, Tirunelveli and hence, prays for appropriate orders.

6. This Court heard the rival submissions and perused the materials placed before this Court.

7. In the light of the stand taken by the respondent in the review application that the review applicants / writ petitioners are similarly placed like that of the members of the petitioner association in I.D.No.147 of 1993, on the file of the Labour Court, Tirunelveli, the review application is liable to be allowed.

8. In the result, the Review Application is allowed. Consequently, the judgment made in W.A.(MD)No.174 of 2018, dated 05.02.2018, is set aside and the order dated 29.11.2016, passed in W.P.(MD)No.6033 of 2012, stands restored. No costs.



9. The respondent shall comply with the order passed in W.P. (MD)No.6033 of 2012, dated 29.11.2016, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the review applicants.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To
The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.33, Kamarajar Salai, Chepauk,
Chennai-5.

+1 CC to M/s.R.RENGA RAMANUJAM, Advocate (SR-82392[F] dated 20/08/2019)

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