



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.6751 of 2019

G.Senkuttuvan

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD),
No.31, Kamarajar Salai, Chepauk,
Chennai-5.
- 2.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board (TWAD),
No.31, Kamarajar Salai, Chepauk,
Chennai-5.
- 3.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Madurai.
- 4.The Superintendent Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Sivagangai.
- 5.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Rural water Supply Division,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondents to regularize the service period of the petitioner from 25.06.1982 to 21.08.1989 and include the service for pension benefits with all other benefits by considering the letter dated 21.04.2015 forwarded by the fifth respondent.

For Petitioner : Mr.V.Panneerselvam

For Respondents : Mrs.Porkodi Karnan

**ORDER**

Seeking a direction to the respondents for regularization of the service period of the petitioner from 25.06.1982 to 21.08.1989 and include the same for pension benefits with all other benefits by considering the letter dated 21.04.2015 forwarded by the fifth respondent, this writ petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent department.

3. According to the petitioner, he was appointed as Watchman at Karaikudi through employment exchange on NMR basis on 06.07.1981. But he was brought into time scale with effect from 23.06.1982. Thereafter, on 22.08.1989, the petitioner was promoted as Driver and posted at Coimbatore. In the year 1994, the petitioner was transferred to Sivagangai and retired from service on attaining the age of superannuation on 31.05.2017. Thereafter, all his retirement benefits and other benefits have been sanctioned, however without regularizing his service period from 25.06.1982 to 21.08.1989. Hence, he made a request to the respondents to regularize his service from 25.06.1982 to 21.08.1989. On receipt of the same, by a letter dated 21.04.2015, the fifth respondent has forwarded the petitioner's proposal to the Joint Chief Engineer TWAD Board. However, till date, no order has been passed. Therefore, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that in W.P. (MD) Nos. 15736 and 15737 of 2016, by order dated 24.08.2016, this Court has disposed of those writ petitions by granting similar relief to the writ petitioners therein. Aggrieved over the same, the respondent Department has filed W.A. (MD) No. 32 of 2018. By judgment dated 09.01.2018, the Division Bench of this Court dismissed the said writ appeal and sustained the order granting relief and directed the department to pass orders within a period of 12 weeks. Hence, the learned counsel seeks to consider the case of the petitioner, in the light of the Writ Appeal judgment.

5. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner would be considered on merits and appropriate orders will be passed by the respondents.

6. In view of the above submission, this Court without going into the merits of this case, directs the respondents to consider the case of the petitioner in the light of the letter dated 21.04.2015 forwarded by the fifth respondent to the Joint Chief Engineer TWAD Board, and also as per the judgment dated 09.01.2018 made in W.A. (MD) No. 32 of 2018 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.



7. With this direction, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD),
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Chennai-5.
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Sivagangai.
5. The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Rural water Supply Division,
Sivagangai District.

+1 CC to Mr.V.PANNEER SELVAM, Advocate SR-60813.

+1 CC to Mr.PORKODI KARNAN, Advocate SR-60831.

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CS: (13/06/2019) 3P 8C