



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.A. (MD)No.240 of 2018

and C.M.P. (MD)No.1382 of 2018

(Through Video Conferencing)

WEB COPY

1.The Managing Director
Tamil Nadu Water Supply and
Drainage Board
Head Office, Kamarajar Salai
Chepauk, Chennai - 05.

2.The Joint Chief Engineer
Tamil Nadu Water Supply and
Drainage Board
Head Office, Kamarajar Salai
Chepauk, Chennai - 05.

... Appellants

-Vs-

N.Subramanian

...Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.06.2017 passed in W.P. (MD)No.1405 of 2015.

Prayer in WP(MD). 1405/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records second respondent i.e., the Joint Chief Engineer, (General) Tamil Nadu Water and Drainage Board, Chennai, relating to his Letter No. P3/8824/Pen/HO/2014 dated 04.07.2014 and Kaditha No. 04115228/Ve.Ni.Voo. Pirivu / Tha A/ 2015 dated 06.01.2015 and quash the same and consequently direct the respondents to sanction pension to the petitioner as per Rule 43(3) of Tamil Nadu Pension Rules r/w Rule 11 (4) (ii) of the Tamil Nadu Pension Rules within a specified time frame.

For Appellants	: Mrs.Lakshmi Gopinathan for M/s.Porkodi Karnan
For Respondent	: Mr.S.Visvalingam

JUDGMENT

[Judgment of the Court was delivered by **M.SATHYANARAYANAN, J.**]

The matter in issue pertains to sanction of pension as per Rule 43(3) of Tamil Nadu Pension Rules read with Rule 11(4) (ii) of Tamil Nadu Pension Rules and vide impugned order in the writ petition, the



request made by the petitioner in this regard, came to be rejected on the ground that the same can be done from the date of the order not from the date of the regularisation. The petitioner made a challenge successfully by filing W.P.(MD)No.1405 of 2015 and challenging the same, the official respondents have filed this Writ Appeal.

2. The learned counsel appearing for the appellants would submit that in respect of a similar issue, a challenge was made before the Honourable Supreme Court and the same has been dismissed and in the light of the same, this Court may pass appropriate orders in this writ appeal.

3. This Court heard the submissions of the learned counsel appearing for the respondent/writ petitioner.

4. In the light of fact that a similar challenge made by the Official respondents before the Honourable Supreme Court, has ended in dismissal, this Court is of the considered view that the present writ appeal is also liable to be dismissed.

5. In the result, this Writ Appeal is dismissed, confirming the order dated 22.06.2017 passed in W.P.(MD)No.1405 of 2015. The appellants/official respondents are directed to comply with the order as passed in W.P.(MD)No.1405 of 2015 and confirmed vide judgment dated 17.08.2020 in this Appeal, within 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the respondent/writ petitioner. No costs. Consequently, connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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+1CC to M/s.PORKODI KARNAN,Advocate(SR-14338[F]
dated18/08/2020)

W.A. (MD) No.240 of 2018
and C.M.P. (MD) No.1382 of 2018
17.08.2020

KB(26.08.2020) 3P 4C