



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15266 of 2014

1.L.Muthuraj

2.P.Vijayaram

3.P.Maruthamuthu

4.S.Gurumoorthy

5.D.Selvam

... Petitioners

Vs.

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

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,
Theni, Theni District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to extend the monetary benefits from the dates of the petitioners have completed 480 days in a continuous period of service within 24 calendar months after their joining in service.

For Petitioners : Mr.V.S.V.Venkateshvaran

For Respondents : Mr.S.Porkodi Karnan

ORDER

The petitioners were temporarily appointed as Store Watchman on daily wage basis in the TWAD Board and subsequently, they filed a petition before the Labour Officer for conferment of permanent status. The Labour Officer granted relief and the TWAD Board filed a writ petition and the Court directed the TWAD Board to absorb the petitioners as permanent employees. Pursuant to the orders of the Court, the petitioners were permanently absorbed on 01.08.2006.

2.The grievance of the writ petitioners is that they are entitled for the monetary benefits from the initial date of appointment.



3.The learned counsel for the petitioners states that this Court passed an order in W.P.(MD)No.24307 of 2013. However, to implement the order, the present writ petition cannot be filed and further, such retrospective benefit of time scale of pay with effect from the date of appointment of the daily wage employee, cannot be granted at this length of time and therefore, the writ petition is devoid of merits.

4.This Court is of the considered opinion that the benefit of regularisation or permanent absorption cannot be granted in violation of the service regulations and pursuant to the orders of this Court. Thus, salary, for the period in which, the petitioners worked as daily wage employee by retrospectively fixing the time scale of pay, cannot be granted. The daily wage basis payment were already granted to the petitioner and now, after regularisation, such retrospective claim of monetary benefits cannot be granted at all. Thus, relief as sought for is absolutely misconceived. Thus, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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

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

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division, Theni, Theni District.

+1 CC to M/s.PORKODI KARNAN, Advocate (SR-22473[F] dated 23/11/2020)

W.P.(MD)No.15266 of 2014
23.11.2020

PM(CO)

TR(03.12.2020) 2P 4C

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