



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.5024 of 2015

WEB COPY

R.Jothi (Died)

- 1.Davamani
- 2.Manikandan
- 3.Mathivanan

(Petitioners 1 to 3 are Substituted for the deceased
Sole Petitioner vide court order dated 09.07.2019
in WMP(MD)No.2978 of 2019)

... Petitioners

Vs.

1.Tamil Nadu Water and Drainage Board,
Chennai,
Represented by its,
Chairman cum Managing Director,
TWAD Board,
31, Kamarajan Salai,
Chepauk,
Chennai.

2.The Joint Chief Engineer (general)
TWAD Board,
Head Office,
Chepauk,
Chennai.

3.The Executive Engineer,
Tamil Nadu Water and Drainage Board,
Maintenance Division,
Trichy.

4.The Accounts Officer,
Tamil Nadu Water and Drainage Board,
Internal Audit Wing,
Eastern Region,
Thanjavur.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Proc.F.Turner/JA6/2008/Dt.20.08.2008 and quash the same as illegal and also direct the third respondent to pay the recovered amount of



Rs.10,851 and fix the salary as per B.P.No.505, dated 12.12.86 based on G.O.Ms.No.742, dated 20.06.86 from 10/96 to till the petitioner's superannuation and also calculate the pension accordingly.

For Petitioners : Mr.S.Muthukrishnan
For Respondents : No appearance

ORDER

The impugned order of recovery dated 20.08.2008 is challenged by the petitioner by filing a writ petition on 30.03.2015 after a lapse of about seven years. The order of recovery was passed, when the petitioner was in service and after a lapse of four years from the date of retirement, during the year 2015, the petitioner has chosen to file the present writ petition which is belated and liable to be dismissed on the ground of laches.

2.The fixation was revised to the petitioner, when he was in service and the errors found in the fixation of pay were rectified and the correct scale of pay was fixed. The petitioner was allowed to retire from service and based on the last drawn pay, his pensionary benefits were also settled. Now, the writ petition is filed after a lapse of four years and after a lapse of seven years from the date of passing of the order of the impugned recovery.

3.In this view of the matter, the writ petition stands dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar (CS-I)

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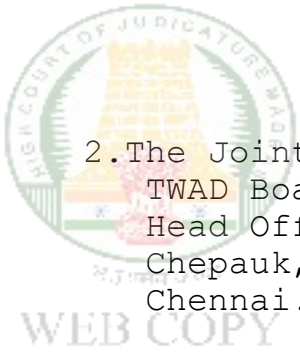
/ /2020

Sub Assistant Registrar(CS)

Rmi

To

1.The Chairman cum Managing Director,
Tamil Nadu Water and Drainage Board,
Chennai,
TWAD Board,
31, Kamarajan Salai,
Chepauk,
Chennai.



2.The Joint Chief Engineer (general)
TWAD Board,
Head Office,
Chepauk,
Chennai.

3.The Executive Engineer,
Tamil Nadu Water and Drainage Board,
Maintenance Division,
Trichy.

4.The Accounts Officer,
Tamil Nadu Water and Drainage Board,
Internal Audit Wing,
Eastern Region,
Thanjavur.

+1 CC to Mr.S.MUTHU KRISHNAN, Advocate (SR-23267[F] dated
30/11/2020)

W.P. (MD)No.5024 of 2015
26.11.2020

VB (08.12.2020) 3P 6C