



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.27364 of 2019

R.Mallukkan

... Petitioner

/vs./

1.The Managing Director,
Tamilnadu Water Supply and Drainage Board (TWAD),
Chepauck,
Chennai 600 005.

2.The Superintending Engineer,
Tamilnadu Water Supply and Drainage Board (TWAD),
Madurai-Dindigul-Theni Circle,
Ganesh Nagar,
Madurai.

3.The Executive Engineer,
Urban Division,
Tamilnadu Water Supply and Drainage Board (TWAD),
Round Road Puthur,
Dindigul.

... Respondents

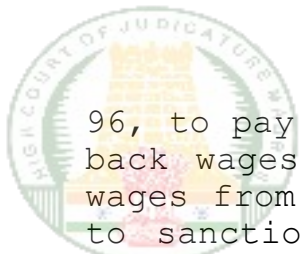
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to treat the petitioner as permanent workman w.e.f. 01-10-84 as per the settlement dated 08-08-96 made U/S.12(3) of the I.D.Act and as his co-workmen covered by the order dated 23-12-2010 in WA(MD).Nos. 726 to 743/2007 were treated by the respondents and accordingly to pay him all consequential and monetary benefits including 50% back wages for the period from 16-02-90 to 23-12-03 and full back wages from 24-12-03 to 31-12-11 as per the award dated 23-12-03 in ID.No.83/95 as modified in the order dated 04-04-18 in WA.No.1466/2016 and to sanction/pay him all terminal and pension benefits for his entire service period from 01-06-83 to 31-12-11 together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mrs.Porkodikarnan

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Though the petitioner has sought for issuance of Writ of Mandamus to the respondents to treat the petitioner as permanent workman with effect from 01.10.84 as per the settlement dated 08-08-



96, to pay him all consequential and monetary benefits including 50% back wages for the period from 16.02.90 to 23.12.03 and full back wages from 24.12.03 to 31.12.11 as per the award dated 23-12-03 and to sanction him all terminal and pension benefits for his entire service period from 01.06.83 to 31.12.11 together with 18% interest per annum, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3.The petitioner would submit that he has already submitted a representation on 13.06.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4.Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5.In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 13.06.2019, in the light of the order passed by this Court in the case of **G.Sivaprakasam, Work Inspector Grade-I, Tamilnadu Water Supply and Drainage Board, RWS.Division, Arni 632 301, Thiruvannamalai District Vs. Executive Engineer, Tamilnadu Water Supply and Drainage Board, RWS.Division, Thiruvannamalai, Thiruvannamalai District and another** reported in **2019-III-LLJ-147 (Mad)** and the proceedings dated 04.08.2011 passed in Proc.No.03913/WCES/2011 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.

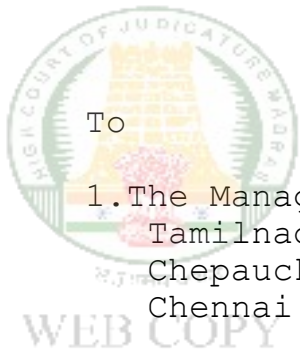
6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar

/True copy/

/02/2020
Sub Assistant Registrar

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To

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+1 cc Mr.POLEX LEGAL SOLUTIONS ,Advocate, SR.No. 5865

W.P. (MD) No.27364 of 2019
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KK/SAR/24.02.2020/3P-5C