

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.23366 of 2014

And

MP No.1 of 2014

R.Balakrishnan

.. Petitioner

vs.

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chennai.

2. The Superintending Engineer,
TWAD Board, Salem-Namakkal Circle,
Salem.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the second respondent's Proc.No.F.Fixation/EA1/2014 dated 07.08.2014 and quash the same as illegal.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Ms.S.Shahila Bhanu,
Standing Counsel for TWAD.

O R D E R

The order impugned dated 07.08.2014, cancelling the fixation of pay granted based on the undertaking given by the writ petitioner on 12.03.2014, is under challenge in the present writ petition.

2. The writ petitioner was appointed as Rig Helper on 05.06.1987 and thereafter, the said post was re-designated as Assistant Driller. The petitioner was promoted to the post of Junior Draughting Officer and thereafter, he was promoted as Draughting Office and was retired from service on attaining the age of superannuation.

3. Pursuant to the Pay Commission recommendation and based on the revision of pay effected by the respondent-Board in B.P. Ms.No.505 dated 12.12.1986, the pay of the petitioner was

revised.

4. While effecting the revision of scale of pay, the petitioner has given an undertaking that in the event of dismissal of his writ petition, he has no objection for cancelling the revision. The writ petition filed by the petitioner in WP No.27369 of 2010 was dismissed by this Court on 17.10.2012. The writ petitioner filed a Writ Appeal and the Division Bench of this Court has granted liberty to the writ petitioner to file a review petition. Accordingly, the petitioner filed the review petition, which is now pending. Under these circumstances, the respondents issued the impugned order in proceedings dated 07.08.2014 cancelling the revision of scale of pay based on the undertaking given by the writ petitioner on 12.03.2016.

5. This being the factum, this Court do not find any infirmity in respect of the order impugned passed by the second respondent. If at all the petitioner succeed in the Review Petition filed by him, thereafter the petitioner is at liberty to approach the Competent Authority for appropriate actions.

6. With the abovesaid liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chennai.
2. The Superintending Engineer,
TWAD Board, Salem-Namakkal Circle,
Salem.

WP 23366 of 2014

SSI(CO)
CT/12/07/2022