



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)Nos.285 and 286 of 2022

W.A(MD)No.285 of 2022:

R.Mahenthiran

.. Appellant

Vs

1.The Government of Tamil Nadu,
represented by its Secretary,
Finance (Pay Cell) Department,
Fort St.George, Chennai-9.

2.The Tamil Nadu Water Supply and
Drainage Board(TWAD),
represented by its Managing Director,
Chepauck, Chennai-600 005.

3.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board(TWAD),
Chepauck, Chennai-600 005.

4.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board(TWAD),
Maintenance Division,
Trichy-23.

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.03.2021 made in W.P.(MD)No.23692 of 2017 by the learned Single Judge.

Prayer in WP(MD). 23692/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents 2 to 4 to revise the scale of pay of the petitioner as per G.O.Ms.No.762 dated 26.08.86 of the 1st respondent and B.P. Ms.No.505 dated 12.12.86 of the 2nd respondent and fix his scale of pay as mentioned in the G.O.Ms.No.762 dated 26.08.86 of the 1st respondent for the trade posts which required the qualification of SSLC passed plus ITI certificate, with effect from 12.12.86 and to pay him all the consequential benefits, including arrears of pay and also to pay him the balance/arrears of all his terminal pension benefits after revising the same based on such scale of pay payable to him on the month of his retirement, together with 18% interest P.a.,



For Appellant

: Mr.V.Ajay Goush
for Mr.S.Arunachalam

For 1st Respondent

: Mr.S.R.A.Ramachandran,
Additional Government Pleader.

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W.A(MD)No.286 of 2022:

Pushkala Kumari

.. Appellant

Vs

1.The Government of Tamil Nadu,
represented by its Secretary,
Finance (Pay Cell) Department,
Fort St.George,
Chennai-9.

2.The Tamil Nadu Water Supply and
Drainage Board(TWAD),
represented by its Managing Director,
Chepauck,
Chennai-600 005.

3.The Executive Engineer,
Maintenance Division,
Tamil Nadu Water Supply and Drainage Board(TWAD),
Shanthi Nagar,
Tirunelveli-627 002.

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.03.2021 made in W.P.(MD)No.9696 of 2014 by the learned Single Judge.

Prayer in WP(MD). 9696/ 2014 :

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 from the 2nd Respondent relating to the impugned order dated 11.03.14 passed in proceedings No. Ko.74465/ET4/Tha A/2008 by the 2nd Respondent, quash the same and consequently to direct the 2nd & 3rd Respondent to revise the scale of pay of the petitioner as per G.O. Ms. No. 762 dated 20.08.86 of the 1st Respondent and B.P.Ms. NO. 505 dated 12.12.86 of the 2nd Respondent Board and in the scale of pay payable, as mentioned in the G.O. Ms. No. 762 dated 20.08.86 of the 1st Respondent for the trade posts which require the qualification, of SSLC passed plus I.T.I certificate and to pay her the arrears of pay and all the consequential benefits



For Appellant : Mr.V.Ajay Goush
for Mr.S.Arunachalam
For 1st Respondent : Mr.S.R.A.Ramachandran,
Additional Government Pleader.

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COMMON JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in these appeals is made to the common order dated 25.03.2021 recorded on W.P(MD)Nos.9696 of 2014 and 23692 of 2017. These appeals are by the writ petitioners.

2. The petitioners had prayed for the pay scale other than what was granted to them with effect from initial year of their employment, i.e., 1986. It is not in dispute that both the appellants have retired and on the ground of laches learned Single Judge thought it proper not to exercise discretion under Article 226 of Constitution of India.

3. We find that refusal to exercise discretion in this factual background, in no way can be said to be an error muchless any error apparent on the face of record which can be gone into in exercise of powers under Clause 15 of Letters Patent. These appeals therefore are dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn/3

To

- 1.The Secretary,
Finance (Pay Cell) Department,
Government of Tamil Nadu,Fort St.George, Chennai-9.
- 2.The Tamil Nadu Water Supply and
Drainage Board(TWAD),
represented by its Managing Director,
Chepauck, Chennai-600 005.
- 3.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board(TWAD),
Chepauck, Chennai-600 005.



4.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board(TWAD),
Maintenance Division,Trichy-23.

5.The Executive Engineer,
Maintenance Division,
Tamil Nadu Water Supply and Drainage Board(TWAD),
Shanthi Nagar,
Tirunelveli-627 002.

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-15281[F] dated
30/03/2022)

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-15616[F] dated
31/03/2022)

+1 CC to M/s.SPL GP (SR-15726[F] dated 31/03/2022)

W.A(MD)Nos.285 and 286 of 2022
29.03.2022

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KB(06.04.2022) 4P 9C