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W.A.No.249 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.249 of 2020 and CMP.No.4202 of 2020

1. T.Balasubramanian
2. N.Ramalingam
3. M.Madhavan
4. S.Podhuvudaimaimoorthy
5. S.Rengaraj
6. A.Sivanandam
7. T.Suriamoorthy
8. A.Sivanandam
9. K.Anandarajan
- 10.C.Gunasekaran
- 11.S.Baskar
- 12.V.Subakar



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13.R.Ravivarman

14. C.Nagarajan

15. M.Sambasivam

16. N.Murugesan

17. S.Arumugam

18. P.Muthaian

19. M.Suresh

20. P.Murugaiyan

21.S.Chandramohan

22.P.Karthigeyan

rep. by its C/O.P.H.C.M. Gandhi,

The General Secretary,

Tamil Nadu Water Supply and Drainage Board

Workers Federation (AITUC),

Manithaneyakoodam,

17, Sindhu Garden,

Gandhi Nagar, Vellore-636 006

.... Appellants

-VS-

1. The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Maintenance Division,
188, Nethaji Road, Thiruvarur.

2. The Assistant Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Maintenance Sub-division,
Vanduvancheri Thulasia Pattinam (P.O.),
Vedaranyam Taluk, Thiruvarur District.



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3. The Assistant Engineer,
Tamil Nadu Water Supply and Drainage Board,
Maintenance Sub-division,
Vanduvancheri Thulasia Pattinam (P.O.),
Vedaranyam Taluk, Thiruvarur District.

4. V.Tamil Vendan

5. P.Veeramani

6. V.Subramaniabharathi

7. C.Karunanidhi

8. S.Somanathan

9. K.Selvaraj

10.V.Kulandaivelu

11.V.Subramanian

12.G.Prabhu

13.S.Velayutham

14.K.Murugaiyan

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 29.11.2019 passed in W.P.No.4723/2013 and to allow the Writ Appeal.

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For Appellants	: Mr.Balan Haridass for M/s.Law Square
For Respondents 1 to 3	: Mr.Shunmugasundaram Advocate General assisted by Ms.S.Mekhala, Standing Counsel

JUDGMENT

(Judgment of the court was delivered by S.VAIDYANATHAN, J.)

The present Writ Appeal has been preferred against the order of the learned Single Judge dated 29.11.2019 passed in W.P.No.4723/2013 in dismissing the writ petition filed by the workmen seeking implementation of the orders of the authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.

2. According to Mr.Balan Haridass, the learned Counsel appearing for the appellants, the order dated 11.10.2012 passed by the authority under the 1981 Act has become final since the writ petition in W.P.No.4292 of 2013 filed by the respondent



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Board challenging the order of the authority has been dismissed as not pressed vide order dated 10.03.2020 in W.P.No.4292 of 2013 and hence, this writ appeal has to be allowed by directing the Board to implement the order dated 11.10.2012 passed by the authority.

3. Per contra, Mr.Shunmugasundaram, the learned Advocate General assisted by Ms.S.Mekhala, the learned Standing Counsel for the respondents 1 to 3 would submit that after the withdrawal of the writ petition, WMP.No.18214/2022 was moved in W.P.No.4292/2013 and the writ petition has been restored on file pursuant to the order of this Court dated 23.08.2022.

4. In view of the above, without going into the merits of the matter, we find that once there is a favourable order in favour of the employees, the same has got to be implemented. Hence, when the order of the authority is pending adjudication in W.P.No.4292/2013, we set aside the findings of the learned Single Judge in W.P.No.4723/2013 dated 29.11.2019 rejecting the plea of the employees and afford opportunity to both the parties to raise all the factual and legal submissions before the learned Single Judge when W.P.No.4292/2013 is taken up for hearing. If any party is aggrieved, it is open to him to challenge the order in accordance with law.



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5. With the above observation, the present Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [R.K.M., J.]
20.03.2023

Index: Yes / No

Internet: Yes / No

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To

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Tamil Nadu Water Supply and Drainage Board,
Maintenance Sub-division,
Vanduvancheri Thulasia Pattinam (P.O.),
Vedaranyam Taluk, Thiruvarur District.
3. The Assistant Engineer,
Tamil Nadu Water Supply and Drainage Board,
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