



W.P.(MD)No.12651 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12651 of 2020

P.Muthiah

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai, Chepauk,
Chennai-5.

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Madurai-2.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count the service of the petitioner from the initial date of appointment on 01.08.1980 in terms of the award of the Labour Court, Madurai in I.D.No. 301 of 1991 dated 27.08.1993 and consequently direct the respondents to settle the backwages for the period from 09.07.1990 till the date of reinstatement on 08.04.1996 and to revise, refix and settle the



W.P.(MD)No.12651 of 2020

pension and monetary benefits along with interest for the entire period of service from 01.08.1980 being the initial date of appointment till the date of retirement on 31.05.2014 for 34 years of service instead of 14 years of service.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.R.Satheesh

ORDER

This writ petition has been filed to direct the respondents to count the service of the petitioner from the initial date of appointment (i.e.,) on 01.08.1980 in terms of the award of the Labour Court, Madurai, passed in I.D.No. 301 of 1991 dated 27.08.1993 and consequently, direct the respondents to settle the backwages for the period from 09.07.1990 till the date of reinstatement on 08.04.1996 and to revise, refix and settle the pension and monetary benefits along with interest for the entire period of service from 01.08.1980 being the initial date of appointment till the date of retirement on 31.05.2014 for 34 years of service instead of 14 years of service.



W.P.(MD)No.12651 of 2020

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Watchman on daily wage basis in the year 1980 and he continued to work to the satisfaction of the Superiors. While so, on 09.07.1990, the respondents have terminated the service of the petitioner without issuing any notice. Therefore, he has raised an Industrial Dispute in I.D.No.301 of 1991 before the Labour Court, Madurai, challenging the oral termination and on 27.08.1993, the Labour Court has also set aside the oral termination and directed the respondents to reinstate the petitioner into service with continuity of service with backwages from the date of oral termination on 09.07.1990. However, the respondents have not implemented the award of the Labour Court immediately and he was reinstated only on 08.04.1996. He was sanctioned pensionary benefits from the date of reinstatement on 08.04.1996 till the date of retirement on 31.05.2014 for a period of 14 years instead of 34 years. He was not paid the backwages from the date of oral termination on 09.07.1990 till the date of reinstatement on 08.04.1996. Hence, he made several representations to the respondents.



W.P.(MD)No.12651 of 2020

WEB COPY

However, no order has been passed. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to settle the backwages and other benefits as per the award passed in I.D.No.301 of 1991 dated 27.08.1993 by the Labour Court, Madurai to the petitioner.

4. The learned counsel appearing for the respondents would submit that as per the award passed in I.D.No.301 of 1991 dated 27.08.1993 by the Labour Court, Madurai, the backwages and other benefits will be granted to the petitioner, if there is no legal impediment.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion



W.P.(MD)No.12651 of 2020

WEB COPY

on the merits of the case, directs the respondents to settle the backwages, as per the award passed in I.D.No.301 of 1991, dated 27.08.1993 by the Labour Court, Madurai, if there is no legal impediment, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

24.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

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Chennai-5.

2.The Executive Engineer,
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5/6



WEB COPY



W.P.(MD)No.12651 of 2020

M.DHANDAPANI,J.

ssb

W.P.(MD)No.12651 of 2020

24.01.2023