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W.P.No. 19365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 19365 of 2024

and

W.M.P.No.21221 of 2024

R.Dharman

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Petitioner

Vs

1. Tamil Nadu Water Supply and
Drainage Board,
Rep. by its Managing Director,
31, Kamarajar Salai,
Chennai – 600 005.

2. The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board,
RWS Division,
65, Bharathi Park,
7th Cross Street,
Coimbatore – 611 011.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction and pay the petitioner the DCRG and monthly pension from the date of retirement/superannuation by granting him permanency and regularization on par with his juniors with arrears and other consequential benefits, together with interest at the rate of 12% per annum.

For Petitioner : Mrs.V.Porkodi



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for R.Krishnaswamy
For Respondent : Mrs. S.Mekhala
Standing Counsel

ORDER

This Writ Petition has been filed for a direction directing the respondents to pay the DCRG and monthly pension to the petitioner from the date of his retirement.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined the service of the first respondent as NMR worker on daily rated basis on 20.04.1987. However, he was terminated from service on 31.10.1990. After submitting repeated representation for reinstate him into service, it was not considered and as such the petitioner had raised Industrial Dispute before the Labour Court, Coimbatore in I.D.No.236 of 2000. The Labour Court, Coimbatore, by an Award dated 20.08.2002, directed the respondents to reinstate the petitioner with continuity of service without backwages. However, the said award was challenged by the respondents before this Court in W.P.No.14745 of 2003 and they obtained order of interim stay. This



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Court, by an order 24.04.2019, confirmed the award passed by the Labour Court, Coimbatore and allowed the application filed under Section 17B of the Industrial Dispute Act and directed the respondents to pay the wages till his age of superannuation.

4. Pursuant to which, the petitioner filed computation petition under Section 33(C)(2) of the Industrial Dispute Act before the Principal Labour Court, Coimbatore in C.P.No.113 of 2020 claiming backwages, pension, earned leave and unearned leave salary from the date of award to the date of his superannuation, after adjusting the 17B wages already paid to him. The Labour Court allowed the petition by an order dated 15.11.2022 and computed the amount payable to him as Rs.20,13,743/- within a period of three months with interest at the rate of 12% per annum. When it was not complied with, once again the petitioner filed computation petition before the Controlling Authority, Coimbatore in PGA No.554 of 2021 and the same was also allowed. Even then, the order was not complied with and as such the petitioner caused legal notice.

5. On the other hand, the respondents challenged the order



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passed in C.P.No.113 of 2020 by way of writ petition in W.P.No.4798 of 2024 and obtained order of interim stay on 27.02.2024. However, the petitioner was not paid DCRG and pension. Therefore, the petitioner submitted a representation and the same was not considered by the respondents.

6. In view of the above, the respondents are directed to sanction and disburse the DCRG and monthly pension to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

11.07.2024

Internet : Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To



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G.K.ILANTHIRAIYAN, J.

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