



WEB COPY

W.P.No.25421 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25421 of 2018

R.Chandrasekaran

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
31, Kamarajar Salai, Chepauk, Chennai – 600 005.
2. The Secretary -cum- General Manager,
Tamil Nadu Water Supply & Drainage Board,
31, Kamarajar Salai, Chepauk, Chennai – 600 005.
3. The Superintending Engineer,
Tamil Nadu Water Supply & Drainage Board,
TK Circle, Tirunelveli.
4. The Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
Project Division, Tirunelveli – 627 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in the order bearing Letter No.B3/8095/Oivu/Tha.a/2018 dated 30.08.2018 passed by respondent no.2 and quashing the same and directing the respondents to reckon 50% of the entire service rendered by the petitioner on daily wage basis (NMR worker) in respondent no.1 – Board as a qualifying service for the purpose of his pensionary benefits under Rule 11 of the Tamil Nadu Pension Rules, 1978.



For Respondents : M/s.S.Mekhala,
SC for TWAD Board
ORDER

This Writ Petition has been filed aggrieved by the impugned proceedings dated 30.08.2018, whereby the respondent no.2 refused to count 50% of the services rendered by the petitioner on daily wages basis for the purpose of counting the qualifying service for the grant of pensionary benefits under Rule 11 of the Tamil Nadu Pension Rules, 1978.

2. When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel appearing for the respondents that pursuant to the direction issued by the Madurai Bench of this Court in W.P (MD) No.2354 of 2010 dated 05.02.2018, the 50% period of NMR Service rendered by the petitioner was taken into account and accordingly, the pensionary benefits of the petitioner was settled.

3. Paragraph No.6 of the counter-affidavit filed by the respondent no.3 reads as under:-

“ 6. It is submitted that the based on the direction of the Hon'ble High court dated 05.02.2018 the 50% period of the NMR service



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rendered by the petitioner were taken into account for purpose of pension. Accordingly the pension of the petitioner was revised suitably and issued orders vide Secretary cum General Manager, TWAD Board Lr.No.P4/ 14113/pen/HO/2018, dated 30.05.2019. Based on the above orders, the Executive Engineer, TWAD Board, Project Division, Tirunelveli the fourth respondent herein sanctioned and claimed revised pension with effect from 01.10.2017 and paid to the petitioner. Hence the prayer of the petitioner was fully complied with. As such the Writ petition will become infructuous and the same is liable to be dismissed as infructuous.”

Further, a copy of the said proceedings bearing Lr.No._P4/14113/Pen/Ho/2017/ dated 30.05.2019 settling the pensionary benefits of the petitioner is also placed before this Court.

4. In the light of the above, the cause arose in the Writ Petition does not survive and the same is accordingly closed. No costs.

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skr

Index : Yes / No



Speaking order / Non-speaking order
Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.
skr

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