



W.A.(MD).No.1741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.1741 of 2024
and
C.M.P.(MD)No.13328 of 2024**

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk, Chennai – 05.
 - 2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Southern Board,
Madurai.
 - 3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Muthuarasanallur,
Tiruchirappalli.
- ... Appellants

-VS-

V.Kalimuthan ... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.26032 of 2019, dated 07.11.2023.

For Appellants	: Mr.A.R.L.Sundareshan, Senior Counsel
	For Mr.R.Satheesh
For Respondent	: Mr.S.Govindan



W.A.(MD).No.1741 of 2024

JUDGMENT

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[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Admittedly the respondent was sanctioned the benefits of re-fixation of pay on 25.06.2014, based on existing Board proceedings dated 12.12.1986. The Board thereafter, cancelled the Board proceedings dated 12.12.1986, on 04.08.2015. In view of the said cancellation, the Board did not extend the benefits sanctioned to the petitioner in the proceedings dated 25.06.2014. The petitioner therefore, approached this Court for a Mandamus, directing the Board to implement the order, dated 25.06.2014.

2.We have heard Mr.A.R.L.Sundareshan, learned Senior Counsel for Mr.R.Satheesh appearing for the appellant and Mr.S.Govindan, learned counsel appearing for the respondent.

3.The learned Senior Counsel would however contend that the petitioner is guilty of delay of latches. Therefore, he is not entitled for Mandamus. The fact that the petitioner was conferred with certain benefits by a proceedings dated 25.06.2014, is not in dispute. The fact that the then existing Board proceedings, dated 12.12.1986, authorised the entitlement of the petitioner as granted to him in the order dated 25.06.2014, is also not in dispute. The Board did not implement the order



W.A.(MD).No.1741 of 2024

dated 25.06.2014, because of the subsequent cancellation of the Board proceedings on 04.08.2015. The learned Single Judge has rightly observed that the benefit, which already been conferred cannot be withdrawn by the backdoor method of cancelling the Board Proceedings. No doubt, the petitioner has come to Court after five years. The petitioner who attained superannuation in 2009, was able to get an order beneficial to him after a five years struggle in 2014, even that was not implemented and there was certain litigation pending regarding such grant to other employees, so the petitioner waited for conclusion of the litigation.

4.We do not think the petitioner in this case could be called fence sitter particularly in the light of the conduct of the Board in attempting to withdraw a concession, which has already been admitted and granted by order dated 25.06.2014. Hence, we see no merit in the Writ Appeal and the Writ Appeal fails and it is accordingly, dismissed. The judgment of the learned Single Judge is confirmed in all respects. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
01.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn



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W.A.(MD).No.1741 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

W.A.(MD).No.1741 of 2024

01.10.2024