



W.P.No.18712 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM :

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.18712 of 2016

V.Thirumoorthy

... Petitioner

Vs.

1.The Managing Director

Tamil Nadu Water Supply and Drainage Board

No.31, Kamarajar Salai

Chennai 600 005.

2.Joint Chief Engineer (GL)

Tamil Nadu Water Supply and Drainage Board

No.31, Kamarajar Salai

Chennai 600 005.

3.Executive Engineer

Tamil Nadu Water Supply and Drainage Board

Maintenance Division

Gandhi Nagar

Thiruvannamalai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent pertaining to his order made in proceeding No.788/EA/2013 dated 25.10.2013 insofar as the regularization of the



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service of the petitioner w.e.f., 30.03.2002 is concerned and quash the same, consequent to direct the respondents to regularize the service of the petitioner from the year 1998 and further direct to pay pension and the connected service benefits to the petitioner by taking into account of the service rendered by him from 01.04.1986 to 17.06.1997 at Vettavalam under the Combined Water Supply Scheme and the service rendered as Maintenance Assistant from 18.06.1997 to 29.03.2002 along with service rendered from 30.03.2002 to 31.01.2011 and also direct to pay the arrears of pension and the difference of arrears of retirement service benefits such as gratuity etc., to the petitioner.

For Petitioner : Mr.T.Ashok Raj

For Respondents : Mr.Krishna Ravindran for R1

: Mr.S.Senthil Murugan for R2 & R3
Special Government Pleader

ORDER

This present Writ Petition is filed for calling the records of the third respondent pertaining to his order made in proceeding No.788/EA/2013, dated 25.10.2013, insofar as the regularization of the service of the petitioner w.e.f., 30.03.2002 is concerned and quash the same, consequently, to direct the respondents to regularize the service of



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the petitioner from the year 1998 and further direct to pay pension and the connected service benefits to the petitioner by taking into account, the service rendered by him from 01.04.1986 to 17.06.1997 at Vettavalam under the Combined Water Supply Scheme and the service rendered as Maintenance Assistant from 18.06.1997 to 29.03.2002 along with service rendered from 30.03.2002 to 31.01.2011 and also direct to pay the arrears of pension and the difference of arrears of retirement service benefits such as gratuity etc., to the petitioner.

2. The learned counsel for the petitioner contended that he was originally appointed on 01.04.1986 as a daily wager and in the year 1997, he was appointed as a Maintenance Assistant and the service was regularized in the year 2002 and got superannuated in the year 2011.

3. The claim of the petitioner is that in the proceedings No.1316/EA3/07/F.Consolidated/dt.30.5.07 of the third respondent, the annual increment of 10% per annum sanctioned with effect from 01.06.2000 to 01.06.2006 FN as indicated in the reference cited above, the



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petitioner's name finds place in Sl.No.15. The relevant portion of the proceedings dated 30.05.2007 is extracted hereunder:

“Consequent on the orders issued in the reference 2nd cited, the following Honorarium staff have appointed as Maintenance Assistant under consolidated pay at Rs.1,000/- pm with effect from 01.06.2000 FN onwards.

Accordingly, their annual increment 10% per annum sanctioned with effect from 01.06.2001 to 01.06.2006 FN as indicated in the reference cited above.”

4. The learned counsel for the petitioner contended that he is entitled for the wage revision as per the proceedings dated 30.05.2007.

5. Per contra, the learned counsel appearing for the official respondents contended that as the petitioner's service was regularized in the year 2002, his claim has already been computed in the service and as he got superannuated, the claim made by him in this Writ Petition is misconceived. He drew the attention of this Court to the counter filed by the third respondent. He further contended that the Writ Petition is not



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maintainable and misconceived of facts. Paragraph No.7 of the counter affidavit is extracted hereunder:

“7... As per Service Register page No.10/Volume-1, the petitioner was engaged as Nominal Muster Roll (NMR) only from 21.11.2000 in the Office of the Assistant Executive Engineer, Maintenance Sub Division, Cheyyar and the petitioner herein was not joined the duty and worked as Maintenance Assistant in the Tamil Nadu Water Supply and Drainage Board from 18.06.1997 to 21.11.2000 as stated in the affidavit. After completion of 480 days, his service was regularized as Maintenance Assistant on 30.03.2002 and the probation declared on 17.04.2004 vide EE/TWAD/Maint.Dn/Thiruvannamalai, Proc.No.78 8/EA/2013, dated 25.10.2013. The petitioner was paid consolidated pay of Rs.1000/ per month with effect from 01.06.2000 with an annual increment of 10% per annum. Subsequently, his service in the post of Maintenance Assistant was fixed in the time scale of pay with effect from 01.08.2006 and he retired from service on attaining the age of superannuation on 31.01.2011. The petitioner



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received a sum of Rs.1,31,161/- including the retirement Gratuity and DCRG through a Cheque No.941950, dated 19.11.2015. After receipt of the same, the petitioner filed this Writ petition for pension and other benefits. Since the petitioner herein has not completed 10 years of service (he has completed only 8 years 11 months) as Maintenance Assistant, he is not eligible for pension...”

6. It is not in dispute that the petitioner was appointed on a daily wage basis in the year 1996 and in the year 1997, he was appointed as a Maintenance Assistant. However, it is on a daily wage basis. His service was regularized in the year 2002 and he got superannuated in the year 2011. The claim of the Writ Petitioner is based on the proceedings of the third respondent, dated 30.05.2007.

7. It is also not in dispute that in the annual increment of 10% per annum sanctioned with effect from 01.06.2000 to 01.06.2006 FN, his name finds place in SL.No.15. The entire payment of such scheme is based on the regularization, i.e., from the year 2002 only. The third



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respondent has categorically contended that his entitlement commenced only in the year 2002 as stated in the counter cited supra.

8. Hence, this Writ Petition is misconceived and dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions, if any, are also closed.

19.06.2025

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

To

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N.SENTHILKUMAR, J.

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