



W.P. No. 20379 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 20379 of 2019

T.Manivannan

... Petitioner

-VS-

1. The Managing Director
TWAD Board, No.31, Kamarajar Salai
Chennai-600005.

2. The Executive Engineer
TWAD Board, RWS Division
Thiruvallur, Thiruvallur Division.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to grant the petitioner all benefits to which the petitioner is entitled to as per the orders of this Court in W.P. No.31941 / 2004 and 6483 / 2008 dated 08.11.2013 and pay him the arrears of pay with interest.

For Petitioner : Mr.K.S.Kamatchi

For Respondents : Mr.S.Silambannan, Senior Counsel
Assisted by Mrs.S.Shakilabanu (RR1&2)



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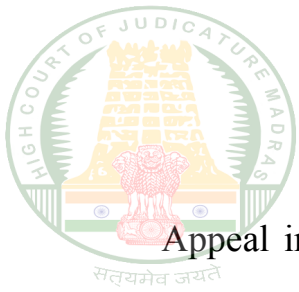
ORDER

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This writ petition has been filed for a direction to the respondents to grant the petitioner all benefits to which the petitioner is entitled to as per the orders of this Court in W.P. No.31941 / 2004 and 6483 / 2008 dated 08.11.2013 and pay him the arrears of pay with interest.

2. Heard Ms.K.S.Kamatchi, learned counsel for the petitioner and Mr.S.Silambannan, learned Senior Counsel, assisted by Mrs.S.Shakilabanu, learned counsel for the first and second respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. It is seen from the records that the petitioner has already filed two writ petitions in W.P. Nos. 31941 of 2004 and 6483 of 2008 to restore his pay, which he was drawing prior to the impugned order pertaining to that writ petition and to grant him all consequential benefits and to challenge the recovery made subsequent to re-fixation of pay. Both the writ petitions were allowed and the petitioner was granted with the relief as prayed by him. In fact, the writ appeal filed challenging the orders passed in the writ petition in W.P. No. 31941 of 2004 was also confirmed by virtue of the order passed in Writ



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Appeal in W.A. No. 1492 of 2014. However, the respondents has given with

liberty to file a Review Application, if at all he is aggrieved. Consequently, the respondents have filed a Review Application in Review Application (Writs) No.59 of 2015 and the same is pending for orders.

4. Now, in this writ petition, the petitioner prayed a writ of mandamus to direct the respondents to grant him the benefits which he is entitled as per the orders passed in W.P. No. 31941 of 2004 dated 08.11.2013. As the relief has already been granted to him in W.P. No. 31941 of 2004, this writ petition can only be considered as superfluous. Since the Review Application was pending from year 2015 and it is learnt that the review application is reserved for orders, the petitioner's right would depend upon the outcome of the orders passed in the above review petition.

5. In case the petitioner gets a favourable order in the review application and the review application gets dismissed, the petitioner would have a right to initiate the contempt proceeding for non-compliance of the order, after the time limit, if any, granted in the orders passed in the review application. If the review application is allowed then the petitioner would loose his rights granted



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to him in the writ petition in W.P. Nos. 31941 of 2004 and 6483 of 2008.

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6. Since the rights claimed in the writ petition flows out of the earlier orders passed and on which the review application filed and is pending for orders, I find nothing remains to be considered in this writ petition afresh or pass any further order. Even in the event of review application is dismissed, this writ petition can only be considered as superfluous which does not have any separate cause of action.

7. In view of the same, the writ petition is closed as unnecessary. No costs.

24.04.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

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R.N.MANJULA, J.

Maya

To

1. The Managing Director
TWAD Board, No.31, Kamarajar Salai
Chennai-600005.
2. The Executive Engineer
TWAD Board, RWS Division
Thiruvallur, Thiruvallur Division.

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