



W.A.(MD)No.1301 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1301 of 2023
and
C.M.P.(MD)No.9884 of 2023**

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai, Chepauk,
Chennai- 5.

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Madurai - 2.

... Appellants

Vs.

P.Muthiah

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.12651 of 2020 dated 24.01.2023 on the file of this Court.



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For Appellants : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.R.Satheesh,
Standing Counsel.

For Respondent : Mr.M.Govindan

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned Additional Advocate General assisted by the learned standing counsel for TWAD Board and the learned counsel for the writ petitioner.

2.The writ petitioner / respondent herein claims that he joined TWAD Board as a temporary watchman on 01.08.1980. He was orally terminated on 09.07.1990. The respondent raised an industrial dispute and it was taken on file in I.D.No.301 of 1991 on the file of the Labour Court, Madurai. The Labour Court passed award on 27.08.1993 holding that his termination was illegal and directed reinstatement with backwages. The management took almost three more years to reinstate the workman. Only on 19.09.1996, the respondent was once again reappointed as temporary watchman. On 13.11.1997, his services were



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regularized. The employee retired on 31.05.2014. Six years after his retirement, he filed W.P.(MD)No.12615 of 2020. The prayer made in the writ petition was as follows:-

“Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count the service of the petitioner from the initial date of appointment on 01.08.1980 in terms of the award of the Labour Court, Madurai in I.D.No. 301 of 1991 dated 27.08.1993 and consequently direct the respondents to settle the backwages for the period from 09.07.1990 till the date of reinstatement on 08.04.1996 and to revise, refix and settle the pension and monetary benefits along with interest for the entire period of service from 01.08.1980 being the initial date of appointment till the date of retirement on 31.05.2014 for 34 years of service instead of 14 years of service.”

3.The learned Single Judge disposed of the writ petition on 24.01.2023 in the following terms:-

“4. The learned counsel appearing for the respondents would submit that as per the award passed in I.D.No.301 of 1991 dated 27.08.1993 by the Labour Court, Madurai, the backwages and other benefits will be granted to the petitioner, if there is no legal impediment.



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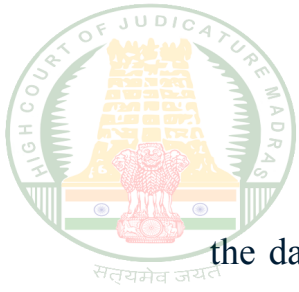
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6.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents to settle the backwages, as per the award passed in I.D.No.301 of 1991, dated 27.08.1993 by the Labour Court, Madurai, if there is no legal impediment, within a period of six weeks from the date of receipt of a copy of this order.”

Aggrieved by the same, the management has filed this writ appeal.

4.In our view, this writ appeal was really not warranted. The learned Single Judge had called upon the management to take a call on the writ petitioner's representation and grant him relief, if there was no legal impediment.

5.Be that as it may, we clarify that since the writ petitioner's services were regularized only with effect from 13.11.1997, his pensionable service will be reckoned only from the said date. The learned Additional Advocate General however submitted that since backwages were not paid as awarded by the Labour Court, it can be quantified as Rs.40,000/-. It is agreed by TWAD Board that the said amount will be paid to the appellant within a period of four weeks from



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the date of receipt of a copy of this order. We place on record the said undertaking.

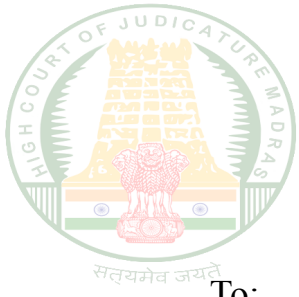
6.The learned counsel for the writ petitioner endeavored to convince us that the pensionable services must be reckoned from 1990. We are unable to accede to this request for the simple reason that during relevant time, the writ petitioner was holding the status of temporary employee. He became a regular employee only on 13.11.1997 and therefore, only from the said date, his pensionable service will be reckoned. The learned Additional Advocate General further adds that the pensionable service of the writ petitioner will be calculated from the date of his regularization upto to the date of his retirement.

7.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.,) & (K.R.S. J.,)
18.07.2025

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