



Rev.Aplc(MD).Nos150 to 152 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17.11.2025

PRONOUNCED ON : 19.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Rev.Aplc.(MD).Nos.150 to 152 of 2022
and CMP(MD).Nos.10072 to 10074 of 2022
in WA(MD).Nos.1233 to 1235 of 2014

1.The Managing Director
Tamil Nadu Water Supply and Drainage Board
Kamarajar Salai
Chennai

2.The Executive Engineer
Tamil Nadu Water Supply and Drainage Board
Maintenance Division
11th Cross Street (West)
Thillainagar
Trichy – 18

....Review Applicants/Appellants
in all the applications

Vs

1.P.BalakumarRespondent/Respondent in Rev.No.150 of 2022

2.R.DharmarajanRespondent/Respondent in Rev.No.151 of 2022

3.S.RamakrishnanRespondent/Respondent in Rev.No.152 of 2022

Common Prayer: The Review Applications filed under Order XLVII Rule 1 and 2 under Section 114 of C.P.C to review the common order dated 21.01.2021 made in WA(MD).Nos.1233, 1234 and 1235 of 2014.



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For Appellants : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.B.Vijay Karthikeyan
in all the review applications

For Respondents : Mr.S.Govindan
in all the review applications

COMMON JUDGMENT

(Made by **R.VIJAYAKUMAR,J.**)

These three review applications have been preferred by TWAD Board seeking to review the common order passed by a Co-ordinate Bench of this Court on 21.01.2021 in WA(MD).Nos.1233 of 1235 of 2014.

2.The private respondents in the writ appeals suffered an order on 23.03.2011 wherein their pay scale was revised from Rs.4000-6000 to 3050-4950 with effect from 10.07.1999 and excess amount paid to them was sought to be recovered. This order was put to challenge in three independent writ petitions in WP(MD).Nos.4226, 4227 and 4228 of 2011. These writ petitions were heard together and a common order was passed on 11.04.2014 allowing the writ petitions relying upon the order of another learned Single Judge in W.P.No.31941 of 2004 dated 08.11.2013.

3.The TWAD Board preferred WA(MD).Nos.1233 to 1235 of 2015. A Co-ordinate Bench of this Court relied upon B.P.Ms.No.505 dated 12.12.1986 and proceeded to dismiss the writ appeals. Seeking to review the said orders,



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the present review applications have been filed by TWAD Board.

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4.The learned Additional Advocate General appearing for the review applicants submitted that the writ Appellate Court had primarily relied upon the Board Proceedings No.505 dated 12.12.1986 to confirm the order of the writ Court. According to him, the Board Proceedings No.505 dated 12.12.1986 was cancelled by TWAD Board under P.B.Ms.No.55 dated 04.08.2015. This fact was not brought to the notice of the Division Bench when the final orders were passed. According to him, when the Division Bench order is primarily based upon B.P.Ms.No.505 dated 12.12.1986, the same requires to be reviewed.

5.The learned Additional Advocate General had further submitted that P.B.Ms.No.55, TWAD WCE Section 04.08.2015 has been challenged before the Principal Bench in W.P.No.26304 of 2015 and there is an order of interim stay. According to him, it is posted for final hearing on 21.11.2025.

6.Per contra, the learned counsel appearing for the private respondents submitted that already three Division Benches have passed orders relying upon B.P.Ms.No.505 dated 12.12.1986. The TWAD Board is delaying the implementation of those orders. When there is a fault on the part of the TWAD Board in placing B.P.Ms.No.55 dated 04.08.2015, employee cannot suffer. He further relied upon Paragraph Nos.5 and 6 of the writ appeal order to contend that the writ petitioners are entitled to the benefit and therefore,



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the order of revision of pay scale and recovery are bad in the eye of law. The learned counsel had further submitted that when B.P.Ms.No.55 dated 04.08.2015 has been stayed by the Principal Bench, the same cannot be cited as a reason for reviewing the order passed in the writ appeals.

7.We have carefully considered the submissions made on either side and perused the material records.

8.A careful perusal of the common order passed by the Co-ordinate Bench of this Court on 21.01.2021 in WA(MD).Nos.1233 to 1235 of 2014 reveals that the Co-ordinate Bench has primarily relied upon B.P.Ms.No.505 dated 12.12.1986 to pass an order against TWAD Board. It is clear that B.P.Ms.No.55 dated 04.08.2015 under which B.P.Ms.No.505 dated 12.12.1985 was cancelled, was not brought to the notice.

9. We are conscious of the fact that the Principal Bench has granted interim order in W.P.No.26304 of 2015 wherein B.P.Ms.55 dated 04.08.2015 has been put to challenge. In case the validity of the said Board Proceedings is upheld, the writ petitioners would not be entitled to any benefit based on B.P.Ms.No.505. On the other hand, in case, if B.P.Ms.No.55 dated 04.08.2015 is set aside, then the order of the Co-ordinate Bench in the writ appeals has to be upheld.

10.Considering the fact that B.P.Ms.No.55 dated 04.08.2015 was not brought to the notice of the Co-ordinate Bench while passing orders on



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21.01.2021, we are inclined to allow the review applications and to restore the writ appeals for fresh hearing.

11.In view of the above said deliberations, the Review Applications stand allowed. The Registry is directed to list WA(MD).Nos.1233 to 1235 of 2014 for fresh hearing. No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K.J.,)

(R.V.J.,)

19.11.2025.

Index :Yes/No
Internet :Yes/No
NCC : Yes/No
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**C.V.KARTHIKEYAN,J.
AND
R.VIJAYAKUMAR,J.**

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