



W.P(MD)No.16212 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16212 of 2025

and

W.M.P(MD)No.12310 of 2025

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

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Ganesh Nagar,
Madurai-7.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
RWS Division,
Ganesh Nagar,
Madurai-7.

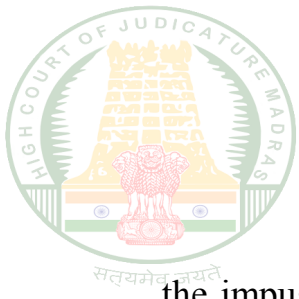
... Petitioners

Vs.

M.Lakshmanan

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records relating to



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the impugned award, dated 01.03.2025 made in C.P.No.18 of 2021 on the file of the Labour Court, Madurai and quash the same.

For Petitioners : Mr.M.Ajmal Khan
Additional Advocate General
for Mr.B.Vijay Karthikeyan

For Respondent : Mr.A.K.Baskara Pandian
for Mr.N.S.Karthikeyan

ORDER

The present writ petition has been filed by the Tamil Nadu Water Supply and Drainage Board challenging the award of the Labour Court, Madurai in C.P.No.18 of 2021.

2. The respondent herein was initially appointed as an NMR watchman in the TWAD Board on 13.06.1983 and he was terminated on 16.11.1991. The termination order was put to challenge in I.D.No.261 of 1994. The said petition was allowed on 13.12.2001. The award of the said petition is extracted as follows:

"11. In the result, an award is passed to effect that:

1. The termination of the petitioner from his services by the respondent with effect from 16.11.1991 is declared to be



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invalid in law as it is in violation of Section 25F of the Industrial Disputes Act and is hereby set aside.

2. The respondent is hereby directed to reinstate the petitioner in the same post as watchman which he was holding at the time of his termination however he would be entitled for daily wages as on the date of reinstatement.

3. The respondent is directed to pay 50% of backwages to the petitioner at the rate of Rs.21/- per day for 26 working days in a month for the period 16.11.1991 till the date of his reinstatement.

4. The respondent shall consider to regularise the petitioners appointment considering his service continuous from 16.11.1991 till the date of reinstatement and in the light of the 12(3) settlement and orders passed by the Managing Director TWAD and applied to NMR workmen who were in service on 16.11.1991."

3. The award was challenged by the TWAD Board in W.P.No.39869 of 2002 and the same was dismissed on 14.11.2011. Thereafter, TWAD Board reinstated the petitioner on 23.02.2012. Relying upon Clause 4 of the award of the Labour Court in I.D.No.261 of 1994, the TWAD Board regularized the services of the respondent with effect from 03.12.2012. This order was put to



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challenge by the workman in W.P(MD)No.1809 of 2014 on the ground that, he should have been regularized from the date of completion of 480 days. However, the writ petition was dismissed on 02.11.2020 granting liberty to the workman to approach the Labour Court under Section 11 of the Industrial Disputes Act, 1947.

4. The workman instead of filing an application under Section 11 of the Industrial Disputes Act had filed C.P.No.18 of 2021 claiming arrears of wages for the non employment period between 17.11.1991 till the date of his reinstatement, namely, 23.02.2012. According to the workman, he is expected to be regularized on completion of 480 days as per the 12(3) settlement, dated 08.08.1996. Since he was terminated on 16.11.1991 and reinstated only on 23.02.2012, he could not get the benefits of the said 12(3) settlement. In case, if he had not been illegally terminated, he would have received the benefits of the 12(3) settlement, dated 18.08.1996.



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5. The TWAD Board had contended that Clause 4 of the award in I.D.No. 261 of 1994 was only directory in nature and therefore, they have chosen to regularize the services of the workman from 03.12.2012 instead of from the date of completion of 480 days. However, the Labour Court has proceeded to allow the computation petition and has directed the TWAD Board to pay a sum of Rs.27,98,978/- as arrears of wages for the non employment period. Challenging the same, the present writ petition has been filed.

6. The learned Additional Advocate General appearing for the petitioner TWAD Board submitted that, Clause 4 of the award in I.D.No.261 of 1994 is only directory in nature and the TWAD Board was only directed to regularizing the services of the petitioner in the light of 12(3) settlement, dated 08.08.1996. As per Clause 3 of the said award, the workman was entitled to only 50% of the back wages at the rate of Rs.21/- per day for 26 working days in a month. In case, if the computation petition is allowed to stand, the workman would be entitled to full wages for the entire period, that too, on time scale of pay. Therefore, interpretation of Clause 4 of the award cannot be made in violation of Clause 3 of the award.



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7. The learned Additional Advocate General appearing for the petitioner TWAD Board further submitted that, there is a dispute as to the entitlement of the workman with regard to his date of regularization. When the rights of the workman has not crystallized, the workman is not entitled to invoke Section 33C(2) of the Industrial Disputes Act. He further submitted that, only if the rights have got crystallized, the monetary value of those rights could be quantified by the Labour Court invoking the above said provisions. Hence, he prayed for allowing this petition.

8. Per contra, the learned Counsel appearing for the respondent workman, on instructions, submitted that, for the first time, the TWAD Board has raised an issue that there is a dispute with regard to the date of regularization of the workman. In such circumstances, he submits that he would approach the Labour Court again seeking to adjudicate upon the issue as to from which date the workman would be entitled to get his services regularized.



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9. In view of the above said deliberations, the impugned award of the Labour Court, Madurai in C.P.No.18 of 2021 is hereby set aside with liberty to the workman to approach the Labour Court with an appropriate application to decide about the date from which he is entitled to get regularized and thereafter, the monetary benefits shall follow based upon the said decision.

10. With the above said observations, this writ petition stands allowed. In case, if any application is presented before the Labour Court, Madurai before 29.08.2025, the same shall be disposed of on or before 31.12.2025. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

05.08.2025

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

The Labour Court,
Madurai.



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R.VIJAYAKUMAR, J.

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