



W.A.(MD)No.477 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.477 of 2023
and
C.M.P.(MD)No.4894 of 2023**

1. The Tamil Nadu Water Supply
and Drainage Board,
represented by its Chairman cum
Managing Director,
No.31, Kamarajar Salai,
Chepauk, Chennai - 600 005.
2. The Tamil Nadu Water Supply
and Drainage Board,
represented by its Vigilance Officer,
No.31, Kamarajar Salai,
Chepauk, Chennai - 600 005.
3. The Tamil Nadu Water Supply
and Drainage Board,
represented by its Chief Engineer,
South Zone, RWS Division,
Ganesh Nagar,
Madurai - 625 002.
4. The Tamil Nadu Water Supply
and Drainage Board,
represented by its Executive Engineer,



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Maintenance Division,
Tuticorin, Tuticorin District.

5. The Tamil Nadu Water Supply
and Drainage Board,
represented by its Assistant Executive Engineer,
Maintenance Sub Division,
Kovilpatti, Tuticorin District. ... Appellants

Vs.

1.A.Kumaravel (Died)
2.R.Bavani
3.K.Vignesh
4.K.Gurumathi ... Respondents

*(R2 to R4 / LRs of the deceased sole appellant are
substituted vide order dated 18.08.2025 in
C.M.P.(MD)No.13134 of 2025 in W.A.(MD)No.477
of 2023 by GRSJ & KRSJ)*

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.2836 of
2023 dated 03.11.2022 on the file of this Court.

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

For Respondents : Mr.R.Ponnaiah for R2 to R4



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

The TWAD Board has filed this intra-court appeal questioning the order dated 03.11.2022 made in W.P.(MD)No.2836 of 2016 filed by one Kumaravel.

2.Kumaravel joined TWAD Board as an NMR on 06.12.1982. He was sponsored by the employment exchange. His services were regularized on 29.05.1993. He was transferred as Maintenance Assistant and posted at Salem and thereafter at Tirunelveli and then at Kovilpatti. In May 2020, there arose some friction between the said Kumaravel and his higher officials. The stand of the higher official is that after receiving the salary for the month of May 2020, he did not sign in the voucher. In this regard, charge memo dated 10.08.2000 was issued. Kumaravel came to be terminated from service vide order dated 14.08.2002 on the ground that he was unauthorizedly absent for more than one year. Challenging the dismissal order, Kumaravel filed W.P.(MD)No.2836 of 2016. The learned Single Judge vide order dated 03.11.2022 disposed of the writ petition in the following terms:-



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“10.For the reasons stated above, this Court is of the considered opinion that the petitioner is entitled to the salary for the month of May and June 2000. The petitioner has joined in the service on 28.07.1993 and was in service until 14.08.2002, wherein he has completed 10 years of service and the service is pensionable service.

11.It is seen that the petitioner had attained superannuation in the month of April 2016. The petitioner was out of service for a period from 2002 to 2016. On taking the above facts in to consideration, this Court is passed the following order:

- 1. The petitioner is entitled salary for the month of May and June 2000.*
- 2. The petitioner is entitled to 50% of monetary benefits for a period from 2002 to 2016.*
- 3. The petitioner is entitled to pensionary benefits, by taking into consideration from the date of original appointment date, i.e., on 28.07.1993 to till date of his superannuation i.e. April 2016.*
- 4. The respondents are directed to implement the order, within a period of eight weeks from the date of receipt of a copy of the order.”*

3.The question that calls for consideration is whether the order of the learned Single Judge warrants modification.



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4.The learned Additional Advocate General appearing for the appellant / management admitted before us that there is no enquiry report. It is well settled that in the principle of labour jurisprudence as well as service jurisprudence before terminating an employee, due process of law has to be adopted. He must be served with a charge memo and enquiry must be conducted. If the enquiry officer comes to the conclusion that the charges are established, the enquiry report will have to be served on him and his further representation must be obtained. In the case on hand, admittedly, we do not find any such enquiry report. In these circumstances, the learned Single Judge rightly held that termination was bad in law. The termination order dated 14.08.2002 was rightly set aside. At the same time, the learned Single Judge could not have granted the relief payment of 50% of the backwages. This primarily for the reason that there was a delay of more than 14 years in mounting the challenge. The learned Additional Advocate General would remark that the writ petitioner ought to have gone before the Labour Court. The writ petitioner rightly did not go before the Labour Court. Because if he had gone to the Labour Court, it would be barred by limitation. Since the



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termination order itself is bad in law, Kumaravel should be deemed to have retired from service only in the year 2016. Therefore, even while confirming the other reliefs granted in the writ petition, we set aside clause 2 of Paragraph No.11 directing the appellant / management to pay 50% of the backwages.

5.This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
27.01.2026

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