

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.1173 of 2015
and
M.P.No.1 of 2015

General Secretary,
Tamil Nadu Nugarporul Vaniba Kazhaga
Jananayaga Angadigal Sumai Thookkuvor Matrum
Pothu Thozhilalar Sangam, Ayanavaram,
Chennai - 600 023. ... Petitioner

Vs.

The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Street,
Chennai - 600 010. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to pay the non-permanent sweepers and scavengers, the respective collector's rate of wages, which is applicable to them from the date of their employment.

For Petitioner : Mr.S.Kumarasamy

For Respondent : Mr.C.Munusamy
Standing Counsel

O R D E R

Heard Mr.S.Kumarasamy, learned counsel appearing for the petitioner, and Mr.C.Munusamy, learned Standing Counsel for the respondent.

2. With the consent of either side, the Writ Petition is taken up for final disposal.

3. The petitioner is a Trade Union, consisting of employees working in the godowns, modern rice mills, regional offices and shops of the respondent/Corporation in the State of Tamil Nadu. In this Writ Petition, the petitioner/Trade Union focused the grievance of the non-permanent sweepers and scavengers working in the godowns, offices, etc., in the respondent/Corporation in the State of Tamil Nadu. According to the petitioner, there are about 450 such workers, and they are paid less than the minimum wages, and, it is stated that they are paid about Rs.100 to 250 per month. Insofar as larger reliefs, which the petitioner-Trade Union may claim are concerned, viz., the absorption of the workers, or to make them as permanent employees of the Corporation etc., the petitioner-Trade Union has to invoke the remedy available under the provisions of Industrial Dispute Act. However, the grievance now focused in this Writ Petition is that, they are paid very low wages, ranging from Rs.100 to 250 per month, and most of them are working for more than 8 hours in the godowns and other premises owned by the respondent/Corporation. The respondent, being the state owned Corporation, are expected to act as model employers. To retain the workers on temporary basis when there is a need for permanent employment itself, is contrary to the Labour Welfare Legislations. Therefore, in this regard, the respondent/Corporation should give a reprieve to those non-permanent scavengers and sweepers. With regard to the appointment of sweepers, scavengers, etc., the respondent may take a decision bearing in mind the need for the post, and they being a state owned Corporation and while engaging the workers on temporary basis and non permanent basis, they should be given a living wage, and payment of Rs.100 to 250 per month is ridiculously low. In this regard, the petitioner has submitted a representation, dated 05.11.2014, and now it is pending consideration of the Managing Director of the respondent.

4. The learned Standing Counsel for the respondent has submitted that sufficient time may be granted to the respondent to consider the representation and take note of the correct facts and thereafter to pass reasoned orders.

5. In the light of the above, there will be a direction to the respondent to pass a reasoned orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The respondent, while examining the representation, may hear the General Secretary of

the petitioner-Trade Union, who will be in a position to assist the respondent in taking a decision in the matter.

With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ds/sd

To

The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Street,
Chennai - 600 010.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.59607

+1cc to Mr.S.Kumarasamy, Advocate, S.R.No.60523

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LRS(CO)
CA(19/11/2015)



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