

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.Nos.16661 to 16667 of 2012

1.M.Raghupathy	Petitioner in WP.16661/2012
2.P.Murugan	Petitioner in WP.16662/2012
3.S.Shankar	Petitioner in WP.16663/2012
4.M.Purushothaman	Petitioner in WP.16664/2012
5.M.Mani	Petitioner in WP.16665/2012
6.N.Pushparaj	Petitioner in WP.16666/2012
7.S.Ekkambaram	Petitioner in WP.16667/2012

Vs

1.The State of Tamil Nadu by Secretary to Government Health and Family Welfare IM (1) Department Fort St.George, Chennai-9	
2.The Managing Director, Tamil Nadu Medicinal Plant Forms and Herbal Medicine Corporation Limited (Government of Tamil Nadu Undertaking) Arumbakkam, Chennai-106	Respondents in all WPs

Prayer:- These Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to regularize the service of the Petitioners with effect from the date of completion of 10 years service and also to grant the scale of pay of Rs.2650-4000 with effect from 01.01.1996 with further revisions of pay and other consequential benefits as has been done in respect of similar employees and also extend the other service benefits applicable to the employees of the Government.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.S.Kumar-R1
Ms.Dakshayani Reddy, R2

ORDER

In these Writ Petitions, the Petitioner seeks for issuance of a Writ of Mandamus, directing the Respondents to regularize their service with effect from the date of completion of 10 years service and also to grant the scale of pay of Rs.2650-4000 with effect from 01.01.1996 with further revisions

of pay and other consequential benefits as has been done in respect of similar employees and also extend the other service benefits applicable to the employees of the Government.

2. This Court heard and considered the submissions made by the learned counsel on either side and also perused the materials on record.

3. According to the Petitioners, they joined the 2nd Respondent Corporation as Casual Labours in the year 1999 and they have been working continuously without the benefit of regularisation and regular scale of pay. In the year 2012, they were granted the scale of pay of Rs.4800-10000/- with effect from 01.01.2012. Thereafter, the Petitioners made representations to regularise their service with effect from the date of completion of 10 years service and also to grant the scale of pay at Rs.2650-4000 with effect from 01.01.1996 with further revisions of pay and other consequential benefits, stating that similar employees are getting further revisions and higher scale of pay, which were not considered. Hence, these Writ Petition have been filed.

4. On the other hand, the learned counsel for the 2nd Respondent has submitted that when the Writ Petition filed by the Labour Union, wherein the Petitioners herein are the members, in WP.No.3632 of 2010 for a similar prayer, was dismissed as withdrawn and in pursuance of the same, the members of the Labour Union are getting the scale of pay, as per GO.Ms.No.1314 dated 17.12.2009, the Petitioners herein being the members of the Labour Union are bound to abide by the withdrawal of the said Writ Petition.

5. Upon perusal of the affidavit and the counter affidavit and the typed set of papers filed by the 2nd Respondent, a series of events came to light, which are as follows:-

a. In WP.No.18037 of 1999, wherein also similar regularisation was sought for, this Court, by order dated 11.9.2008, dismissed the said Writ Petition. Subsequently, the Petitioners herein, who claim to be the temporary employees, originally sought for regularisation of their employment. Therefore, the Government thought it fit to consider their case and accordingly, passed GO.Ms.No.20, dated 18.1.2007, regularising the time scale of pay at Rs.1900-30-2350. Therefore, regularisation was done pursuant to the representations of the Petitioners.

b. Subsequently, again the Petitioners sought for further revise in the scale of pay in par with the Government Servants. Again the Government thought it fit to reconsider the issue and accordingly, passed GO(D)No.1314, dated 17.12.2009,

fixing the time scale of pay at Rs.2600-45-3050-60-3650, which was also paid. Thereafter, not satisfied with the same, the Labour Union filed WP.No.3632 of 2010, challenging the said GO (D)No.1314, seeking for further regularisation with effect from 1.1.1996. However, pending the said Writ Petition, the Government issued another GO.Ms.No.105, dated 01.03.2011, enhancing the pay scale to Rs.4800-10000/-. This has been accepted by all the persons, including the Petitioners herein. In fact, thereafter, the Labour Union withdrew the Writ Petition, accepting the enhancement at the pay scale of Rs.4800-10000/-. Since then the members of the Labour Union have been receiving the said enhanced pay scale.

6. In view of the said facts and circumstances and in the light of the averments made in the counter affidavit and the typed set of papers filed by the 2nd Respondent, it can be held that when the members of the Labour Union accepted the enhanced pay scale and have been receiving the same and when the Petitioners herein, who are also the members of the Labour Union, who withdrew their Writ Petition filed for similar relief, are also in the same footing, as they have also been receiving the same, in so far as the Petitioners in WP.Nos.16661 to 16666 of 2012 are concerned, there cannot be any further direction for further revision in so far as the time scale of pay is concerned. Accordingly, WP.Nos.16661 to 16666 of 2012 are dismissed.

7. In respect of the Petitioner in WP.No.16667 of 2012, since it is reported that he died and in view of the above order passed in the other Writ Petitions, WP.No.16667 of 2012 is also dismissed, as nothing survives. No costs.

-s/d-

Assistant Registrar(CCC)

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Sub-Assistant Registrar

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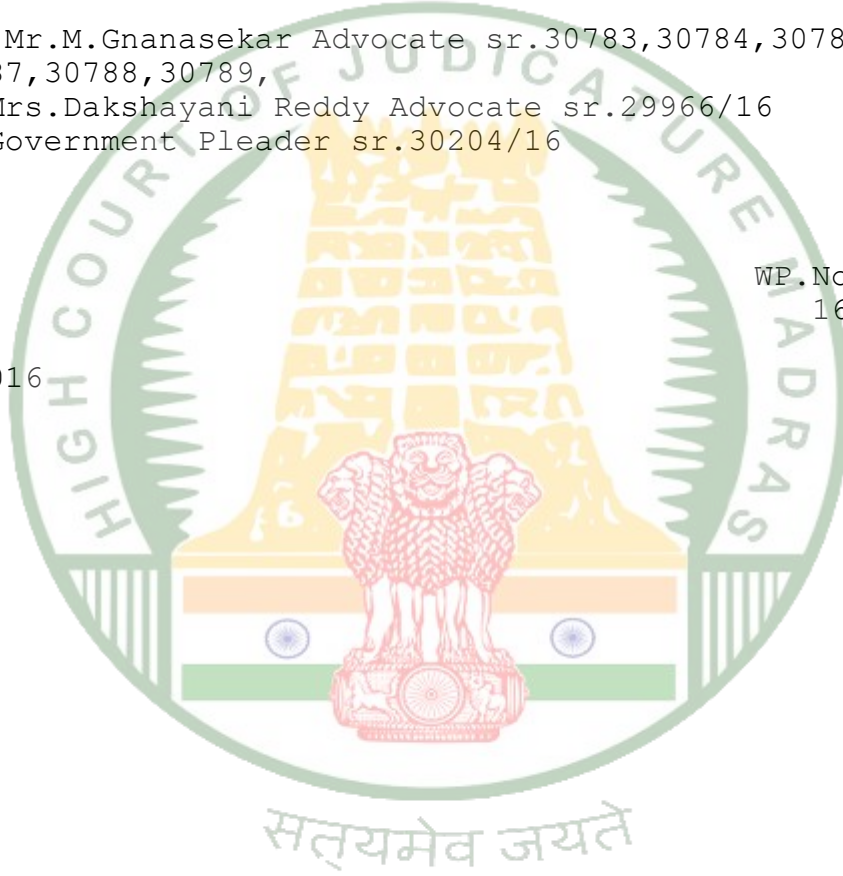
1.The State of Tamil Nadu by Secretary to Government
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2.The Managing Director,
Tamil Nadu Medicinal Plant
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(Government of Tamil Nadu Undertaking),
Arumbakkam, Chennai-106

+7 ccs to Mr.M.Gnanasekar Advocate sr.30783,30784,30785,
30786,30787,30788,30789,
+1 cc to Mrs.Dakshayani Reddy Advocate sr.29966/16
+1 cc to Government Pleader sr.30204/16

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WP.Nos.16661 to
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