

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.32175 to 32182 of 2017

1. The Commissioner
Ambattur Municipality
Ambattur
Chennai 600 053

Now called as
The Zonal Officer
Zone-VII
Greater Chennai Corporation
Ambattur
Chennai 600 053

2. The Commissioner
Greater Chennai Corporation
Chennai 600 003

... Petitioners in all the
Writ Petitions

-vs-

1. The Presiding Officer
III Additional Labour Court
Chennai

... 1st Respondent in all the
Writ Petitions

- | | | |
|-----------------|----|---|
| 2. M.Sundaram | .. | 2 nd Respondent in W.P.No.32175/17 |
| 3. C.Dillibabu | .. | 2 nd Respondent in W.P.No.32176/17 |
| 4. M.Venkatesan | .. | 2 nd Respondent in W.P.No.32177/17 |
| 5. S.Lukka | .. | 2 nd Respondent in W.P.No.32178/17 |
| 6. Annammal | .. | 2 nd Respondent in W.P.No.32179/17 |
| 7. V.Murugan | .. | 2 nd Respondent in W.P.No.32180/17 |
| 8. Salomi | .. | 2 nd Respondent in W.P.No.32181/17 |
| 9. G.Giridharan | .. | 2 nd Respondent in W.P.No.32182/17 |

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records on the file of the first respondent herein in C.P.Nos.1049, 1045, 1051, 1046, 1044, 1043, 1050 & 1047 of 2010 respectively, and quash the impugned order dated 18.09.2017 passed by the first respondent herein as highly illegal and arbitrary.

For Petitioners

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Mrs.Karthikaa Ashok

ORDER

These writ petitions have been filed challenging the correctness of the impugned common order passed by the III Additional Labour Court, Chennai in C.P.Nos.1049, 1045, 1051, 1046, 1044, 1043, 1050 & 1047 of 2010 respectively dated 18.9.2017 directing the writ petitioners to give the time scale of pay to the contesting second respondent in each of the writ petitions after completion of three years of service from the date of their initial appointment.

2. Assailing the same, the learned counsel for the petitioners submitted that the contesting respondents laid the claim petitions on the file of the first respondent-Labour Court taking a stand that they are all working as Sweepers from 1998/2000 with a salary of Rs.1000/Rs.1500 per month from the date of appointment. While so, as per G.O.Ms.No.71, Municipal Administration and Water Supply Department dated 5.5.98, they are entitled to be brought under the regular time scale of pay of Rs.2550-55-2660-60-3200 on completion of one and half years/three years of service. However, the wrong and false claims made by the contesting respondents were entertained by the first respondent Labour Court and their claims were allowed as prayed for. Therefore, the impugned common order is liable to be set aside. Arguing further, she has stated that the employees who are claiming continuous employment are entitled to get the time scale of pay as per G.O.Ms.No.71 dated 5.5.98 on completion of three years of their service, that too, subject to the discretion of the Government. In the present cases, without even analysing the fact whether their continuance in service as Sweepers is required or not, the first respondent Labour Court, proceeding on the basis of G.O.Ms.No.71 Municipal Administration and Water Supply Department dated 5.5.98, taking note of the factor that they were already given the time scale of pay by the petitioners from 1.3.2006, has wrongly allowed the claim petitions holding that they should be given the time scale of pay on completion of three years of service. The said order is liable to be interfered with, as there is no basis, she pleaded.

3. But this Court hardly finds any merit in the writ petitions. It is not in dispute that all the contesting respondents were appointed as Sweepers by the Zonal Officer-VII, Greater Chennai Corporation, Ambattur. Since they have been working continuously, the Commissioner of Ambattur Municipality also sent a proposal on 10.8.2002 expressing the requirement for bringing the contesting respondents under the time scale of pay for carrying out the sweeping work. He has further stated

in the proposal that the financial position of Ambattur Municipality is sound and satisfactory to bear the additional expenses going to be incurred by giving effect to the time scale of pay. Therefore, when the petitioners have not denied their appointments and their requirement to continue in service, for which a proposal also was sent by the Commissioner of Ambattur Municipality on 10.8.2002 to bring them under the time scale of pay for carrying out the sweeping work in an effective manner, the first respondent Labour Court, accepting the claim of the contesting respondents and agreeing with the proposal sent by the Commissioner of Ambattur Municipality, allowed their claims holding that all the Sweepers are eligible to claim the time scale of pay after completion of three years of service from the date of their initial appointment and further holding that they are entitled to claim the difference in pay in accordance with the time scale of pay for the respective period upto 28.2.2006. This apart, the Labour Court has also taken note of yet another admission made by the petitioners that the time scale of pay has already been given to the contesting respondents only from 1.3.2006. Therefore, when the petitioners have come forward to give the benefit of time scale of pay only with effect from 1.3.2006, since the contesting respondents are all working from 1998/2000, the first respondent Labour Court has accepted their claim on the basis of G.O.Ms.No.71 dated 5.5.98, which says that on completion of three years of service, they are entitled to get the time scale of pay. Hence, finding no illegality or infirmity with the impugned common order, this Court is not inclined to entertain the writ petitions. Accordingly, the writ petitions fail and they are dismissed. Consequently, W.M.P.Nos.35355 to 35362 of 2017 are also dismissed.

Sd/-
Assistant Registrar (CS-)

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सत्यमेव जयते

Sub Assistant Registrar

SS
To

1. The Presiding Officer
III Additional Labour Court
Chennai
2. The Zonal Officer
Zone-VII
Greater Chennai Corporation
Ambattur
Chennai 600 053

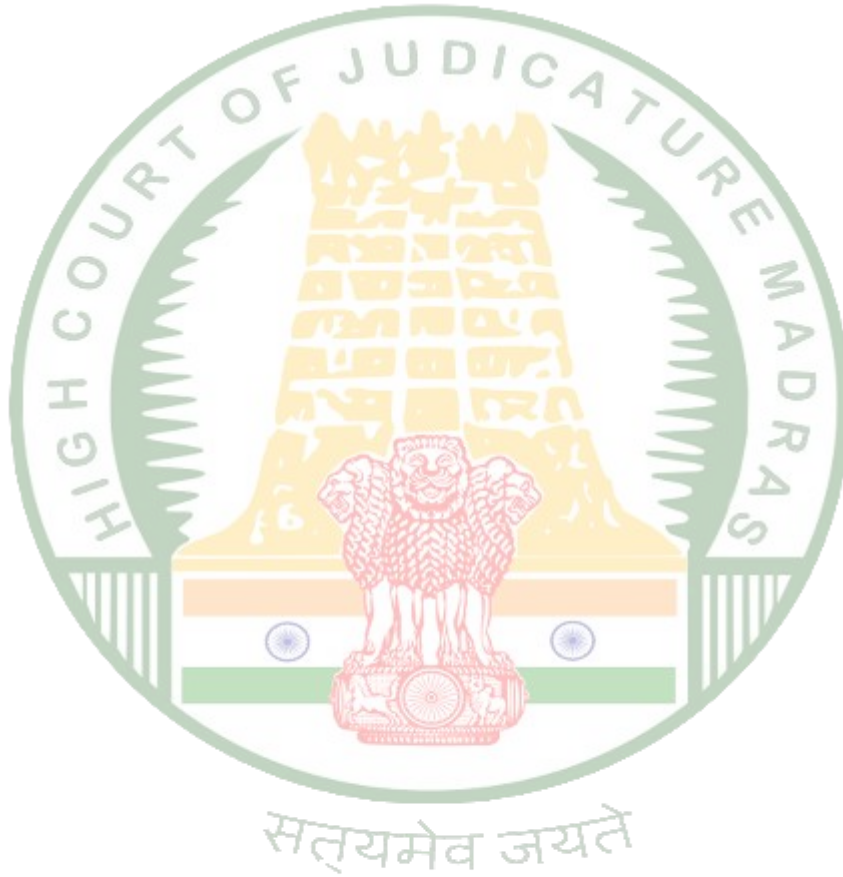
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3. The Commissioner
Greater Chennai Corporation
Chennai 600 003

+1cc to Mrs.KARTHIKAA ASHOK, Advocate, S.R.No. 88736

W.P.Nos.32175 to 32182 of 2017

CA(CO)
TR(05/01/2018)



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