



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of June Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM

and

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.984 of 2017
and CMP(MD) No.7450 of 2016
IN WA(MD) No.1163 of 2016

P.PARAMASIVAN

... PETITIONER/2nd RESPONDENT/2nd APPELLANT
IN CMP(MD) No.984 of 2017
IN WA(MD) No.1163 of 2016
... 2nd RESPONDENT IN CMP(MD) No.7450/2016
IN WA(MD) No.1163 of 2016

Vs

1 MADURAI CORPORATION,
MADURAI,
REP.BY ITS COMMISSIONER

...1st RESPONDENT/PETITIONER/APPELLANT
IN CMP(MD) No.984 of 2017
IN WA(MD) No.1163 of 2016
... APPELLANT/PETITIONER IN
CMP(MD) No.7450 of 2016
IN WA(MD) No.1163 of 2016

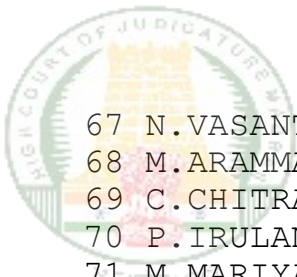
2 THE INSPECTOR OF LABOUR
MADURAI

...2nd RESPONDENT/1st RESPONDENT/
1st RESPONDENT IN CMP(MD) No.984/2017
IN WA(MD) No.1163 of 2016 AND
... 1st RESPONDENT IN
CMP(MD) No.7450 of 2016
IN WA(MD) No.1163 of 2016

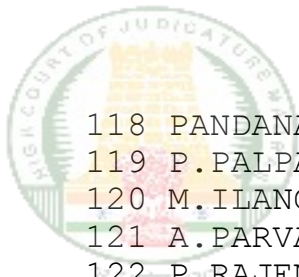
3 S.UMAIYARAJ
4 M.THANGAPANDI
5 K.SELVI
6 K.THEIVANDHIRAN
7 M.MADASAMY
8 D.SUBBULAKSHMI
9 C.RAMAR
10 R.MARIYADASS
11 V.MURUGAN
12 S.GOVINDASAMY
13 M.SELVAM
14 G.VIJAYAKUMAR



- 15 V. GNANAM
- 16 C. ALAGAMMAL
- 17 A. PITCHAMUTHU
- 18 T. PANDIYAMMAL
- 19 T. KUPPUSAMY
- 20 K. PADMA
- 21 M. KARUPPASAMY
- 22 M. MARIAPPAN
- 23 R. KANNAN
- 24 S. RANI
- 25 K. BALASUBRAMANIAN
- 26 S. MALLIGA
- 27 R. VALLI
- 28 S. ARUMUGAM
- 29 M. ALAGURANI
- 30 P. MURUGAN
- 31 P. SURESH
- 32 V. DEVI
- 33 M. SARASWATHI
- 34 P. ADAIKALAM
- 35 A. AMBEDKAR
- 36 A. VALASAPPAN
- 37 P. RAVICHANDRAN
- 38 M. JAMBUNATHAN
- 39 K. PANJAVARNAM
- 40 M. PANDIYAMMAL
- 41 M. LAKSHMI
- 42 A. SHEELADEVI
- 43 T. ALAGAMMAL
- 44 G. MAYIULAMMAL
- 45 M. MUTHUPANDI
- 46 S. MUTHUMARI
- 47 VEERALAKSHMI
- 48 S. SANTHI
- 49 R. PADAMPRIYAL
- 50 A. SELVAPANDI
- 51 A. RAMESH
- 52 ARUMUGAM S/O. KANNAN
- 53 G. ALAGAMMAL
- 54 A. MARIAPPAN
- 55 A. ARUMUGAM
- 56 V. MURUGAN S/O. VELAN
- 57 P. ARAYEE
- 58 P. THAYAMMA
- 59 M. MEENA
- 60 T. MANIMEGALAI
- 61 M. NALLALU
- 62 K. PITCHAIAMMAL
- 63 MURUGESAN
- 64 A. LAKSHMI
- 65 M. PANDIYAMMAL
- 66 P. LAKSHMI



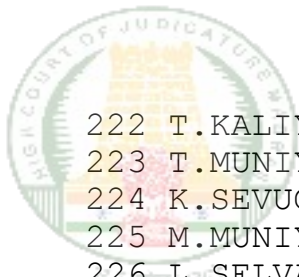
- 67 N.VASANTHI
- 68 M.ARAMMAL
- 69 C.CHITRADEVI
- 70 P.IRULANDI
- 71 M.MARIYAMMAL
- 72 A.MANIKANDAN
- 73 A.VENNILA
- 74 P.SHANMUGAVALLI
- 75 K.MEENAKSHISUNDARAM
- 76 R.PANJAVARNAM
- 77 K.ANDI
- 78 P.SAKTHI
- 79 P.RAKKAMMAL
- 80 S.GANESAN
- 81 A.VEERAIYAKALI
- 82 M.MUNIYAMMAL
- 83 K.LAKSHMI
- 84 M.MURUGAMMAL
- 85 V.KUPPATCHI
- 86 V.PATTU
- 87 P.ALAGARSAMY
- 88 C.VEERAMMAL
- 89 M.VELAMMAL
- 90 M.SEETHALAKSHMI
- 91 K.POOPANDI
- 92 M.MARIYAMMAL W/O.MURUGESAN,
278, EAST ST., KARUMBALAI, MADURAI-20.
- 93 A.CHINNATHAI
- 94 M.GANESAN
- 95 J.PERIYAR
- 96 P.SHANMUGAM
- 97 P.PANDIYAMMAL
- 98 P.ALAMU
- 99 S.ANITHA
- 100 M.PAPPA
- 101 L.ALAGURANI
- 102 P.TAMILARASI
- 103 A.DEVI
- 104 A.KARTHIK
- 105 K.VALIVITTAN
- 106 M.SONAI
- 107 T.PONGODI
- 108 P.SUBBAMMAL
- 109 R.MUNIYASAMY
- 110 M.RAKKAMMAL
- 111 K.MOOKKAMMAL
- 112 P.MUTHUKUMAR
- 113 M.KANNAN
- 114 P.MUNIYAMMAL
- 115 K.MEENATCHI
- 116 R.DEIVANAI
- 117 M.MOOKKAMMAL



118 PANDANASELVI
 119 P.PALPANDIYAMMAL
 120 M.ILANGO
 121 A.PARVATHI
 122 P.RAJENDRAN
 123 VEERASAMY
 124 K.PERUMAL
 125 N.KARTHIK
 126 R.SARAVANAN
 127 A.RANI
 128 K.VALIVITTAN S/O.KILAVARAJ
 129 A.MARIYAMMAL
 130 C.MURUGAN
 131 G.SELVAKUMAR
 132 M.CHINNAKUMAR
 133 P.VEERAPANDI
 134 P.SEENIYAMMAL
 135 P.MURUGAN S/O.PERUMAL
 136 J.LAWRENCE
 137 T.RAMALAKSHMI
 138 N.NAGAMMAL
 139 R.MARIYAMMAL
 140 N.PANJAVARNAM
 141 S.VASANTHA
 142 R.VELLAIYAMMAL
 143 K.MUTHUPILLAI
 144 C.MUTHUMARI
 145 A.SHANTHI
 146 P.MARIYAMMAL
 147 C.BALAMURUGAN
 148 C.SENTHILKUMAR
 149 P.CHANDRA
 150 M.JOTHIMUTHU
 151 P.MUTHUPALANI
 152 P.MALATHI
 153 R.SANGILI
 154 M.MALAIYANDI
 155 S.KALIYAMMAL
 156 M.PALANIYAMMAL
 157 M.ALAGAR
 158 P.MEENA
 159 P.PALANIYAMMAL
 160 K.SELVAKUMAR
 161 M.MAHALAKSHMI
 162 A.MURUGESWARI
 163 A.MAHALAKSHMI
 164 B.LATHA
 165 C.NAGALAKSHMI
 166 A.SUBBAMMAL
 167 P.MURUGESWARI
 168 C.SELVI
 169 S.SURIYAPRAKASH



170 GANESAN
 171 R.KALIYAPPAN
 172 R.ESWARAN
 173 E.MEENA
 174 P.SEETHALAKSHMI
 175 S.PARVATHI
 176 M.KAVITHA
 177 D.MAHALAKSHMI
 178 P.SEVANAMMAL
 179 M.MEENA
 180 S.ROHINI
 181 M.SIVA
 182 A.VELMURUGAN
 183 M.MARI
 184 S.ALAGAR
 185 P.KURUVAN
 186 P.PALANI
 187 K.KARUPPASAMY
 188 K.MARAGADAVALLI
 189 R.PALANI
 190 R.MARRY
 191 P.RADHAMANI
 192 N.PALPANDI
 193 M.MUTHUSELVAM
 194 A.ALAGARSAMY
 195 S.MAHENDRAN
 196 M.PANDI
 197 N.KUMARAVEL
 198 R.RAJA
 199 A.BOOMINATHAN
 200 T.MUTHUGANESAN
 201 P.MOOKKAIAH
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 213 A.DEVAKI
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 220 R.MURUGAN
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222 T.KALIYAPPAN
223 T.MUNIYANDI
224 K.SEVUGAN
225 M.MUNIYANDI
226 L.SELVAM
227 T.NALLATHATHAGAL
228 M.MUTHALAMMAL
229 V.RAJAMMAL
230 T.GNANAMATHI
231 K.MADATHI
232 M.PITCHAIMUTHU
233 G.NAGARAJAN
234 A.MARIYAMMAL
235 V.MALLIGA
236 P.PALANIYAMMAL
237 M.SELVAM
238 K.PANDI
239 S.PANDI
240 P.BALAMURUGAN
241 S.LAKSHMI
242 S.KALYANI
243 R.KRISHNAVENI
244 P.SELVI
245 K.BALAMMAL
246 G.KANNIYAMMAL
247 V.RADHA
248 R.KANNAKI
249 V.MUTHUKUMAR
250 S.MAIKANDAN
251 T.VARADHARAJAN
252 C.AYYANAR
253 A.ALAGAR
254 P.MOORTHY
255 A.VELAMMAL
256 S.KANNIYAMMAL
257 M.PALANIYAMMAL
258 S.NATARAJ
259 M.AYYAPPAN
260 B.VIJAYALAKSHMI
261 S.RADHIKA
262 M.SELVAKUMAR
263 M.MUTHUVEL
264 P.ALAGARSAMY S/O.PARAMAN
265 K.MEENATCHI W/O.S.KARUPPAIAH
266 S.MUNIYAMMAL
267 I.VEERAPATHIRAN
268 K.MURUGESAN
269 V.SUBRAMANIYAN
270 P.KRISHNAPANDI
271 S.RAMASAMY
272 T.MUNIYANDI, S/O.THADIYAN
273 G.VELAMMAL



274 T.ARUMUGAM
275 M.KANNAN
276 E.MURUGAN
277 N.MUTHU
278 A.PANDI
279 M.ARUMUGAM
280 R.PANNEERSELVAM
281 A.ASIRVADHAM
282 A.NAGAMMAL
283 K.VALLI
284 S.JAKKAMMAL
285 R.KARTHIGAI JOTHI
286 A.KARPAGAM
287 K.JANAKI
288 P.PANDIYAMMAL
289 P.PALPANDI
290 K.SARAVANAN
291 S.RAMALAKSHMI
292 C.MUTHULAKSHMI
293 R.MUTHULAKSHMI
294 A.MEENATCHI
295 S.VELMURUGAN
296 K.PALRAJ
297 M.VALLIYAMMAL
298 A.SHANMUGAVALLI
299 M.PONNUTHAI
300 P.PANDIYARAJ
301 P.LAKSHMI W/O.PODIMUTHU
302 M.MUTHUMARI
303 P.PUSHPAVALLI
304 K.BASKARAN
305 S.KALIMUTHU
306 V.LATHA
307 T.KANNIYAMMAL
308 V.DHARMAPANDI
309 A.MUNIYASAMY
310 V.SHAKTHIVEL

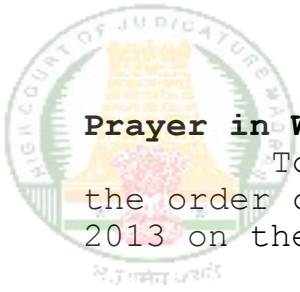
... RESPONDENTS 3 to 310/ RESPONDENTS
3 to 310/ RESPONDENTS 3 to 310
IN BOTH THE PETITIONS

Prayer in CMP(MD) . 984/ 2017 in WA(MD) No.1163 of 2016:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Pleased to vacate the interim order of stay granted by this Honble Court in CMP(MD) No.7450/2016 in WA(MD)No.1163/2016 dated 9.8.2016.

Prayer in CMP(MD) . 7450/ 2016 in WA(MD) No.1163 of 2016:

To stay the operation of the proceedings of the 1st Respondent made in Na.Ka.No.E/3672/2011 CPS No.1 to 309 of 2010 dated 21.02.2013 pending disposal of above Writ Appeal and thus render justice.



Prayer in WA(MD). 1163/ 2016 :

To prefer this Memorandum of Grounds of Writ Appeal against the order dated 03.09.2015 of Honourable Court in W.P(MD)No.16595 of 2013 on the file of the this Honourable Court.

Prayer in WP(MD). 16595/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the proceedings of the 1st respondent made in Na.Ka.No. E/3672/2011, C.P.S.No. 1 to 309 of 2010 dated 21/02/2013 and quash the same .

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.RAHUL, for Caveator for the petitioner IN CMP (MD)NO.984/2017 IN WA(MD)NO.1163/2016 and 2nd Respondent IN CMP(MD) NO.7450/2016 IN WA(MD)NO.1163/2016 and of MR.R.MURALI, Standing counsel for Respondent No.1 IN CMP(MD)NO.984/2017 IN WA(MD) NO.1163/2016 and petitioner IN CMP(MD)NO.7450/2016 IN WA(MD) NO.1163/2016 the court made the following order:-

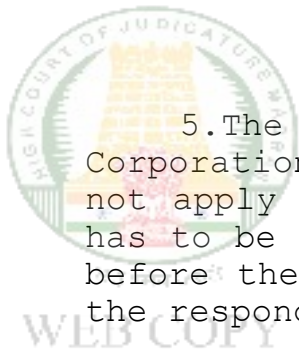
(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.A.Rahul, learned counsel appearing for the appellant and Mr.R.Murali, learned Standing Counsel appearing for the respondent 1.

2.The respondent / Corporation has filed the Writ Appeal in W.A.(MD)No.1163 of 2016 as against the order dated 03.09.2015 passed in W.P.(MD)Nos.14148 & 16595 of 2013. The Writ petition in W.P.(MD) No.14148 of 2013 was filed by sanitary workers for implementing the order passed by the Inspector of Labour, Madurai under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and the Writ petition in W.P.(MD)No.16165 of 2013 was filed by the respondent / Corporation challenging the order passed by the Inspector of Labour.

3.The Writ Court by a common order, dismissed the Writ petition filed by the respondent / Corporation and allowed the Writ petition filed by the Sanitary workers with a direction to the respondent / Corporation to regularize their services and confer permanent status on them from the date on which they completed 480 days of service in 24 calender months, within a time frame.

4.The learned counsel appearing for the appellant / sanitary workers would contend that they are working since 2004 and paid lesser than the minimum wages and in spite of succeeding before the Inspector of Labour in the year 2013 itself and the writ petitions having been dismissed in the year 2015, till date, no benefit has been granted to them and therefore, appropriate directions to the respondent / Corporation may be issued.



5.The learned standing counsel appearing for the respondent / Corporation would submit that the provisions of the said act would not apply to the respondent / Corporation and that the legal issue has to be decided in this Writ Appeal and the same was not conceded before the learned Single Judge but a specific plea was raised by the respondent / Corporation in their counter affidavit.

6.Considering the facts and submissions made on behalf of both parties, we are of the view that these Writ Appeals should be heard finally, but in the interregnum, how best the interest of the appellants / sanitary workers can be protected since the nature of duties discharged by them are very much essential for maintaining hygienic conditions in the respondent / Corporation area of operation. We find that the wages paid to the workers is less than minimum wage fixed by the competent authority under the provisions of the Minimum Wages Act. Hence, we direct the respondent / Corporation to pay minimum wage as fixed by the District Collector, Madurai in accordance with the provisions of the said Act. The said minimum wage shall be paid to all the workers for the month of July 2017 from August 2017 onwards and such payment shall be made till the disposal of the Writ Appeals.

7.Subject to the above conditions, the interim stay is made absolute and vacate petition is disposed of.

8.List the Writ Appeals on 18.09.2017.

sd/-
27/06/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE COMMISSIONER,
MADURAI CORPORATION, MADURAI.
- 2 THE INSPECTOR OF LABOUR, MADURAI

ORDER
IN
CMP(MD) No.984 of 2017
and CMP(MD) No.7450 of 2016
IN WA(MD) No.1163 of 2016
Date :27/06/2017