



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.1533 of 2014

and

M.P.(MD)No.1 of 2014

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Panchayat President,
Surulacode Village Panchayat,
Mukkampalai Post,
Kanniyakumari District.

: Appellant

Vs.

P.Ramesh

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 20.08.2014 made in W.P.(MD) No.14884 of 2010 on the file of this Court and allow this Writ Appeal.

Prayer in WP(MD). 14884/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 2nd respondent to pay the daily wages to the petitioner fixed by the district collector time to time.

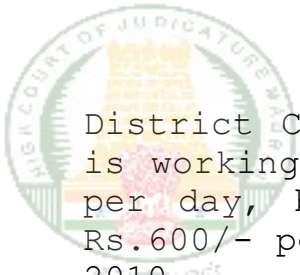
For Appellants	: Mr.T.S.Md.Mohideen Additional Government Pleader
For Respondent	: No Appearance

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

This Writ Appeal is directed against the order dated 20.08.2014 allowing W.P.(MD)No.14884 of 2010 filed by the petitioner herein.

2.The Writ Petitioner was appointed as Water Supply Attender in the second appellant's Panchayat on 15.02.2006, pursuant to the resolution passed by the Panchayat. Though, the District Collector, Kanniyakumari, issued proceedings fixing daily wages of Rs.100/- per day, the Panchayat paid the writ petitioner only a consolidated sum of Rs.600 per month. The writ petitioner was representing for payment of daily wages as fixed by the



District Collector, Kanniyakumari. He pointed out that who ever is working on daily wage basis in Kanniyakumari, receive Rs.200/- per day, but the writ petitioner was being paid only a sum of Rs.600/- per month. He therefore, filed W.P.(MD)NO.14884 of 2010.

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3.The learned Single Judge by order dated 20.08.2014, allowed the writ petition and directed payment of wages to the writ petitioner as per the proceedings of the District Collector. The learned Single Judge noted that whether a part time Water Supply Attender is entitled for wages had already been decided by this Court in W.P.(MD)No.10437 of 2002 dated 02.03.2002, which was confirmed in W.A.(MD)No.2413 of 2003 dated 17.02.2004. S.L.P. (Civil) No.12380 of 2004, filed against the said order was dismissed by the Supreme Court on 30.07.2004. Therefore, the learned Single Judge allowed the Writ Petition holding that the writ petitioner is entitled for wages as per the proceedings of the District Collector. The said order does not suffer from any infirmity and there is absolutely no merit in this Writ Appeal.

4.This Writ Appeal is therefore dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanniyakumari District,
Nagercoil.
- 2.The Panchayat President,
Surulacode Village Panchayat,
Mukkampalai Post,
Kanniyakumari District.

+1cc to M/S.D.Anbarasan, Advocate SR.No. 69525
+1cc to Special Government Pleader, SR.No. 70164

JUDGMENT MADE IN
W.A(MD)No.1533 of 2014
and
M.P. (MD)No.1 of 2014
01.08.2017