

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

WMP No.574 of 2018

IN WP.7624/2016

THE PRESIDENT, [PETITIONER]
SUNBEAM GENERATOR THOZHILALARGAL SANGAM,
NO. L-38, BOOMINANPET HOUSING BOARD,
JAWAHAR NAGAR, PUDUCHERRY.

Vs

1 THE PRESIDING OFFICER, [RESPONDENTS]
LABOUR COURT, PUDUCHERRY.

2 THE MANAGING DIRECTOR,
SUNBEAM GENERATOR (P) LTD.,
KODAPAKKAM, PUDUCHERRY.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Modify the Order dated 13.04.2017 made in WMP NO.22342 of 2016 in WP No.7624 of 2016 to the effect directing the 2nd Respondent herein to pay current wages to the Petitioner Union Members namely 1.K.Dhakshinamoorthy, 2.N.Siva, 3.A.Sankar, 4.P.Mugunthan, 5.I.Raja on par with their similarly placed co-workers from the date of their reinstatement to till disposal of the said Writ Petition and pay its arrears within a stipulated time.

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.P.R.THIRUNEELAKANDAN, Advocate for the petitioner and of M/S.FOX MANDAL ASSOCIATES, Advocate on behalf of the 2nd Respondent, the court made the following order:-

This petition has been filed seeking modification of the order dated 13.04.2017 passed by this Court in W.M.P.No.22342 of 2016 in W.P.No.7624 of 2016 so that the members of the petitioner Union, who got the favourable award and who have been reinstated subject to the final order in the writ petition can have current wages on par

with the similarly placed workers.

2.No counter affidavit has been filed on behalf of the second respondent.

3.When it is not in dispute that the members of the petitioner Union are doing the same work as that of the other workers, who are receiving higher salary, it is axiomatic that they should also be paid the same as against the last drawn wages. There cannot be any disparity between the employees who are doing the same work.

4.In such view of the matter, this petition stands allowed, making it clear that the members of the petitioner Union who got favourable award and who are working with the second respondent shall be paid on par with the other similarly placed employees. The arrears of the amount accrued between the one paid and the last drawn wages, to which they are entitled to on par with the other similarly placed employees will have to be paid within a period of eight weeks from the date of receipt of a copy of this order.

-sd/-
23/01/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRESIDING OFFICER,
LABOUR COURT, PUDUCHERRY.

C.C. to M/S.P.R.THIRUNEELAKANDAN Advocate SR.NO.858

Order
in
WMP.574/2018
in
WP.7624/2016

Date :23/01/2018

From 26.2.2001 the Registry is issuing certified
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JK 29/01/18