

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25646 of 2006
and
M.P.No.1 of 2006

South Arcot District Municipal Panchayat
Workers Union Rep. by its Secretary,
Mr.T.R.Ramnath (AITUC)
Reg.No.100 SAT

... Petitioner

Vs.

The Commissioner,
Melmalayanoor Panchayat Union,
Villupuram District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to proceedings in Na.Ka.No.A4/187/2005 dated 10.02.2006 passed by the respondent herein and quash the same and further direct the respondent to pay the salary as per G.O.Ms.No.118 Rural Development (E 5) Department, dated 10.05.2000 to the sanitary workers who are all working in the respondent's Panchayat Union School with all arrears of salary with interest.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.K.Ravikumar

Additional Government Pleader

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O R D E R

The petitioner has filed the Writ Petition, challenging the order dated 10.02.2006, wherein the benefits granted under G.O.M.S.No.118, Rural Development (E 5) Department was refused to the petitioner.

2. Earlier this Court vide order dated 07.07.2008 made in M.P.No.1 of 2006 in W.P.No.25646 of 2006 issued a direction to the respondent to implement G.O.Ms.No.118 dated 10.05.2000 which reads as follows:

The members of the petitioner union are working in the respondent's Panchayat Union Schools as Sanitary Workers for the past 10 to 20 years. The scale of pay for them was fixed as per G.O.Ms.No.66 dated 03.02.1990 as Rs.150/- per months. Subsequently the G.O.Ms.No.118 dated 10.05.2000 was issued thereby enhancing the pay of sanitary workers from Rs.150/- to Rs.400/- per month. However the respondent did not implement the Government Order in respect of the petitioners stating that the members of the petitioner union are not Panchayat Union sanitary workers. Some of the persons who are similarly placed filed a Writ Petition in W.P.No.12735 of 2001 before this Court. This Court allowed the Writ Petition with a direction to implement the G.O.Ms.No.118 of 2000 in respect of sanitary workers working in Panchayat Union Schools also. Challenging the same writ appeal was filed W.A.No.1461 of 2002 and the same was also dismissed. The petitioner union members are working in different Panchayat Union schools. So far the respondent has not implemented the G.O.Ms.No.118 in respect of the petitioner's as held by the Division Bench in W.A.No.1461 of 2002.

2. In my considered opinion when an order in W.A.No.1461 of 2002 has become final, the direction issued in the said appeal would be applicable to all such sanitary workers who are working in Panchayat union schools in whole of the state. Therefore the respondent has no valid reason to reject the claim of the petitioner's.

3. In view of the same this petition is allowed and the respondent is directed to implement G.O.Ms.No.118 dated 10.05.2000 in respect of petitioner union and to pay them as per the Government Order including arrears. The respondent is directed to issue consequential orders within a period of two months from the date of receipt of a copy of this order.

3. Since the main prayer in the Writ Petition itself has been allowed by this Court by way of interim order on 07.07.2008, nothing survives for adjudication in the main Writ Petition. Accordingly, the Writ Petition is closed. If the interim order dated 07.07.2008 is not yet complied, liberty is granted to the petitioner to workout the remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

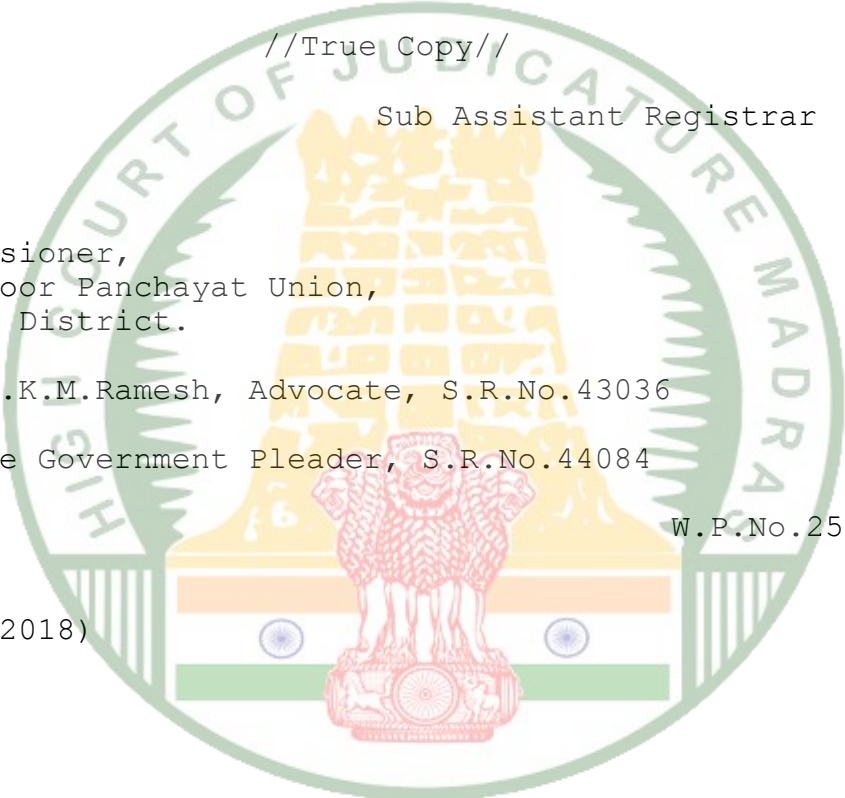
The Commissioner,
Melmalayanoor Panchayat Union,
Villupuram District.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.43036

+1cc to the Government Pleader, S.R.No.44084

W.P.No.25646 of 2006

SS(CO)
GSP(12/10/2018)



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