



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.8553, 8554 & 8555 of 2012

S.Stephen Issac Sundaram ... Petitioner
in W.P.(MD) No.8553/2012

V.Muthu Nadar ... Petitioner
in W.P.(MD) No.8554/2012

L.Suyambu ... Petitioner
in W.P.(MD) No.8555/2012

vs.

- 1.State of Tamil Nadu
rep.by the Secretary
Rural Development Department
Fort St.George, Chennai-600 009
- 2.The District Collector
Kanyakumari District
Nagercoil
- 3.The Block Development Officer
Thovalai Taluk
Boothapandi and Post
Kanyakumari District
- 4.The President
Pallamthurai Village Panchayat
Pallam PO
Kanyakumari District

... Respondents in all W.Ps.

PRAYER (in all W.Ps.): Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to pay the salary to the petitioners on the basis of "Daily Wages" continuously as fixed by the 2nd respondent herein from time to time.



For Petitioner : Mr.M.Sankar
(in all W.Ps.)

For Respondents : Mr.D.Muruganandham

(in all W.Ps.) Additional Government Pleader for R1 & R2
Mr.G.Muthu Kannan for R3 & R4

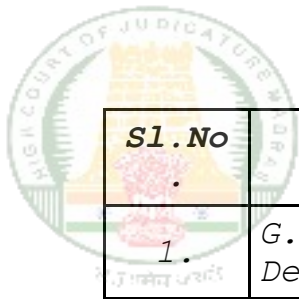
C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to the respondents to pay salary to the writ petitioners on the basis of the daily wages continuously as fixed by the second respondent from time to time.

2. The writ petitioners state that they were appointed as Drinking Water Supply Assistants-cum-Pump Operators in the years 1981, 1997 and 1983 respectively, by the fourth respondent / Panchayat President. The writ petitioners further state that they were initially appointed on daily wage basis and were serving continuously. However, the respondents subsequently converted the daily wage payment as consolidated pay salary based on G.O.No.119, Rural Development Department, dated 10.05.2000. The claim of the writ petitioners is that they are eligible to get daily wages and by way of conversion, the respondents are now paying consolidated pay, which is impermissible.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 states that the Government has taken a policy decision by stating that in respect of the part-time Pump Operators, the consolidated pay salary alone is applicable and therefore, the writ petitioners are entitled to get only consolidated pay salary and not the daily wages.

4. The learned Additional Government Pleader further contended that the job of the Pump Operator is part-time and therefore, full-time daily wages cannot be paid to them. All these Pump Operators are working during morning hours as well as evening hours. Throughout the State, nearly 41,389 part-time Overhead Tank Operators are working and all of them are paid with the consolidated pay salary. The consolidated pay salary is enhanced periodically by issuing various Government Orders, which are extracted hereunder:



Sl.No	G.O.No. & Date	Remarks
1.	G.O.Ms.No.192, Rural Development Department, dated 10.06.1997	Enhancement of pay Rs.150 to Rs.250/-
2.	G.O.Ms.No.182, Rural Development Department, dated 31.08.1998	Enhancement of pay Rs.250/- to Rs.300/-
3.	G.O.Ms.No.148, Rural Development Department, dated 09.07.1999	Enhancement of pay Rs.300/- to Rs.350/-
4.	G.O.Ms.No.119, Rural Development Department, dated 10.05.2000	Enhancement of pay Rs.350/- to Rs.400/- Recommendation to convene a committee along with Director of Rural Development.
5.	G.O.Ms.No.418, Rural Development Department, dated 14.08.2000	On insisting of G.O.Ms.No.119, Rural Development Department, dated 10.05.2000 few writ petitions were devoid of merits.
6.	G.O.Ms.No.60, Rural Development (E5) Department, dated 03.05.2005.	Enhancement of pay Rs.400 to Rs.600/-
7.	G.O.Ms.No.15, Rural Development, dated 07.02.2011	Enhanced to Rs.2000/- with effect from 1.1.2011 with an adhoc increase of Rs.40/- for every six months.

5. As per the last Government Order passed in G.O.(Ms) No.15, Rural Development Department, dated 07.02.2011, the consolidated pay salary of Rs.2,000/- with effect from 01.01.2011 is paid with an adhoc increase of Rs.40/- for every six months. When the nature of the employment of the writ petitioners is part-time, the daily wage payment cannot be granted to them.

6. In view of the fact that the part-time employments are regulated by the various Government Orders and the consolidated pay salary is being paid to all these employees throughout the State and the orders of appointment itself stipulate that the employment is part-time, the writ petitioners cannot claim the daily wage salary or the benefit of regularization. This being the nature of the employment as well as the conditions imposed by the Government, the very claim of the writ petitioners for grant of daily wage payment cannot be granted.



7. Accordingly, the writ petitions stand dismissed. No costs.

Sd/-
Assistant Registrar

WEB COPY /TRUE COPY/

Sub Assistant Registrar

To:

1.The Secretary,
Rural Development Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The District Collector,
Kanyakumari District,
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3.The Block Development Officer
Thovalai Taluk
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4.The President
Pallamthurai Village Panchayat
Pallam PO
Kanyakumari District

+1 CC to M/s.SPL GP (SR-79410[F] dated 02/08/2019)

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KRK
JM/16.08.2019/4P/6C