

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.9609 of 2013

1. P. Lakshmanan
2. A. Udhayakumar
3. M. Govindaraj
4. V. Chinnathambi
5. A.R.Raghu
- 6.A. Sekar
7. C. Palani
8. R. Vadivelu
9. K. Subramani
10. P. Natesan
11. S. Pushpakanthan
12. E. Vijayan
13. M. Subramani
14. R. Ramesh
15. C. Rajamanickam
16. E. Perumal
17. D. Senthil Kumar
18. C. Selvakumar
19. K. Madesh
20. C. Muthukumar

.... Petitioners

/Vs/

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.
2. The Commissioner of Municipal Administrative,
Chepauk, Chennai 600 005.

3. Salem Corporation,
rep. by its Commissioner,
Salem.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent dated 18.02.2013 in G.O.(D).No.77 and quash the same and consequently direct the first respondent to consider the petitioners' representation dated 01.09.2008 as per the order passed by this Court in W.P.No.5964/2009 dated 09.04.2009.

For Petitioner : Mr. M. Thamizhavel

For Respondents : Mr. S. Thangavel,
Spl. G.P., for R1 & R3
: Mrs. K. Bhuvaneswari,
AGP for R2

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O R D E R

This writ petition has been filed challenging the order passed by the first respondent rejecting the petitioners request seeking for arrears of salary from the date of their regularization, as per with the similarly placed persons working in the Salem City Municipal Corporation.

2. According to the petitioners, they are all appointed as workers on daily wages basis by the third respondent Salem Corporation in the year 1985 and in the year 2000, they have been paid consolidated pay. Thereafter, their services were regularized in the year 2006 and they have brought in a regular time scale. Now, some of the similarly placed employees were paid back wages from the date of their appointment and the same was denied to the petitioners. Hence, the petitioners made a representation to the respondents and it was not considered. Hence, they approached this Court by way of a writ petition in W.P.No.5964 of 2009 and this Court, by an order dated 09.04.2009, disposed the said writ petition with a direction to the first respondent to consider the petitioners' representation and pass appropriate orders in accordance with law. Pursuant to the same, the present order of rejection has been passed by the first respondent holding that since the petitioners were regularized as per G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006, there is no provision to pay the arrears of salary. Now, challenging the same, the present writ petition has been filed.

3. The third respondent Salem Corporation filed a counter affidavit stating that the petitioners are unskilled workers working in the third respondent in G.O.Ms.No.125, Municipal and Water Supply Department, dated 27.05.1999 and they were all brought in consolidated pay. Subsequently, by G.O.Ms.No.21, Municipal and Water Supply Department dated 23.03.2006, the services of the petitioners were regularized and they were brought in regular time scale of pay and they are getting the regular pay. Some of the employees were engaged as daily wagers after 01.10.1979 and their services were regularized as per G.O.Ms.No.125 dated 27.05.1999 and some of the employees were regularized for the post of Junior Assistant cum Typist and they were brought in regular time scale as per the order of this Court dated 19.12.2006 made in W.A.Nos.2640 & 2641 of 2004. However, the petitioners services were regularized only in the year 2006 and they are not entitled for back wages as there is no provision in the said Government Order.

4. Heard both sides.

5. The contention of the petitioners is that even they were all working on daily wages from the year 1985 to 1999, they were brought in the consolidated pay in the year 2000 and their services were regularized in the year 2006 as per G.O.Ms.No.21 Municipal and Water Supply Department dated 23.02.2006. The main grievance of the petitioners is that some of the similarly placed employees were given back wages and that was denied to the petitioners. On perusing the counter affidavit, it is seen that the service of the other employees were regularized prior to the regularization of the petitioners and they are getting time scale pay only from the date of their regularization of service not from the date of their appointment. Considering the fact that the service of the petitioners were regularized in the year 2006, and they are entitled to get the time scale only from their date of regularization, and not entitled for any back wages, the first respondent has rightly rejected the petitioners' representation claiming back wages. I find no illegality in the order passed by the first respondent and I find no merit in the writ petition.

6. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

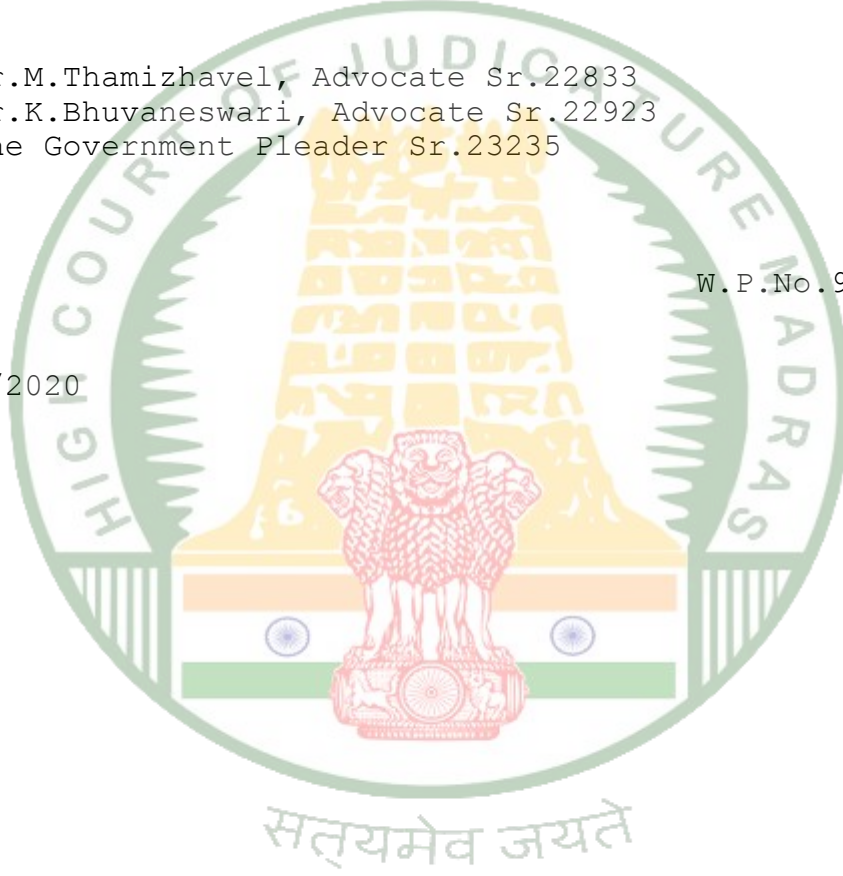
To

- 1.The Secretary to the Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.
2. The Commissioner of Municipal Administrative,
Chepauk, Chennai 600 005.
3. The Commissioner,
Salem Corporation,
Salem.

+1cc to Mr.M.Thamizhavel, Advocate Sr.22833
+1cc to Mr.K.Bhuvaneswari, Advocate Sr.22923
+1cc to the Government Pleader Sr.23235

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