

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT PETITION NOS.20156 TO 20160 OF 2014

K.Annamalai	... Petitioner in WP.No.20156 of 2014
C.Subramanian	... Petitioner in WP.No.20157 of 2014
D.Velayutham	... Petitioner in WP.No.20158 of 2014
S.Saravanan	... Petitioner in WP.No.20159 of 2014
K.Mani	... Petitioner in WP.No.20160 of 2014

vs.

1. The Director of Town Panchayats,
Kuralagam, Chennai - 108.
 2. The Executive Officer,
Ulundurpet Town Panchayat,
Ulundurpet, Villupuram District.
- ... Respondents in all WPs

Prayer in WP.No.20156 of 2014:

This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to notionally fix the pay of the petitioner from 1.6.1988 as per the order passed by the Inspector of Labour and in light of the order passed by this Hon'ble Court in W.P.No.40495/2002 and consequently revise the salary and grant arrears from date 18.11.2007 ie., from the expiry of the eight week from order passed in WP.No.40495 of 2002 and consequently grant pension and other terminal benefits by taking into account of the revised last drawn salary.

Prayer in WP.No.20157 of 2014:

This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to notionally fix the pay of the petitioner from 1.6.1988 as per the order passed by the Inspector of Labour and in light of the order passed by this Hon'ble Court in W.P.No.40494/2002 and consequently revise the salary and grant arrears from 18.11.2007 ie., from the expiry of the eight week from order passed in WP.No.40494 of 2002 and consequently court the period of service rendered by the petitioner from 1.06.1988 for granting of pension and other terminal benefits at the time of his retirement.

Prayer in WP.No.20158 of 2014:

This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to notionally fix the pay of the petitioner from 1.10.1989 as per the order passed by the Inspector of Labour and in light of the order passed by this Hon'ble Court in W.P.No.40498/2002 and consequently revise the salary and grant arrears from 18.11.2007 ie., from the expiry of the eight week from order passed in WP.No.40498 of 2002 and consequently grant pension and other terminal benefits by taking into account of the revised last drawn salary.

Prayer in WP.No.20159 of 2014:

This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to notionally fix the pay of the petitioner from 1.01.1994 as per the order passed by the Inspector of Labour and in the light of the order passed by this Hon'ble Court in W.P.No.40499/2002 and consequently revise the salary and grant arrears from 18.11.2007 ie., from the expiry of the eight week from order passed in WP.No.40499 of 2002 and consequently court the period of service rendered by the petitioner from 01.01.1994 for granting of pension and other terminal benefits at the time of his retirement.

Prayer in WP.No.20160 of 2014:

This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to notionally fix the pay of the petitioner from 1.01.1989 as per the order passed by the Inspector of Labour and in the light of the order passed by this Hon'ble Court in W.P.No.40496/2002 and consequently revise the salary and grant arrears from 18.11.2007 ie., from the expiry of the eight week from order passed in WP.No.40496 of 2002 and consequently court the period of service rendered by the petitioner from 01.01.1989 for granting of pension and other terminal benefits at the time of his retirement.

For Petitioner	:	Mr.Magesh for Mr.V.Vijay Shankar in all WPs.
For R1	:	Mr.S.Thangavel, Spl.GP in all WPs.
For R2	:	Mr.M.E.Raniselvam in all Wps.

COMMON ORDER

Since the issue involved in these Writ Petitions is one and the same, they were heard together and are decided by this common order.

2. According to the Petitioners, they joined as Sweepers on daily wages basis on 01.06.1986, 01.06.1986, 01.10.1987, 01.01.1992 and 01.01.1987 respectively. In the year 1996, since there was a threat to their employment, they filed a case bearing No.1040 of 1996 before the Inspector of Labour, Villupuram District under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and the same was allowed on 06.06.1997. However, no action was taken by the second respondent. In the year 2000, the petitioners filed a claim petition, which was allowed. Aggrieved over the same, the second respondent filed W.P.Nos.40495, 40494, 40498, 40499 and 40496 of 2002, which by order dated 18.09.2007, were disposed of directing the second respondent to appoint the petitioners as permanent employees with a period of eight weeks. It was further held that the petitioners were entitled to all other benefits except backwages which was given up by them. Even then, the order passed by the Inspector of Labour was not implemented and the petitioners were not given regularization with effect from 01.06.1988 and their pay was also not properly fixed. Seeking the said relief, the petitioners made representations to the respondents and the same were not considered. Therefore, the petitioners have come up with the present Writ Petitions directing the respondents to notionally fix their pay, in the light of the orders passed by the Inspector of Labour as well as by this Court in W.P.Nos.40495, 40494, 40498, 40499 and 40496 of 2002 and for consequential relief.

3. The learned counsel for the Petitioners submitted that, the representations dated 05.05.2013, 06.07.2013 and 08.09.2013 made by the Petitioners may be directed to be considered by the Respondents and appropriate orders may be passed within a reasonable time.

4. In reply, learned counsel appearing for the Respondents has no objection for granting such relief to the petitioners.

5. Considering the facts and circumstances of this case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the Respondents to consider the representations dated 05.05.2013, 06.07.2013 and 08.09.2013 made by the Petitioners and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. These Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

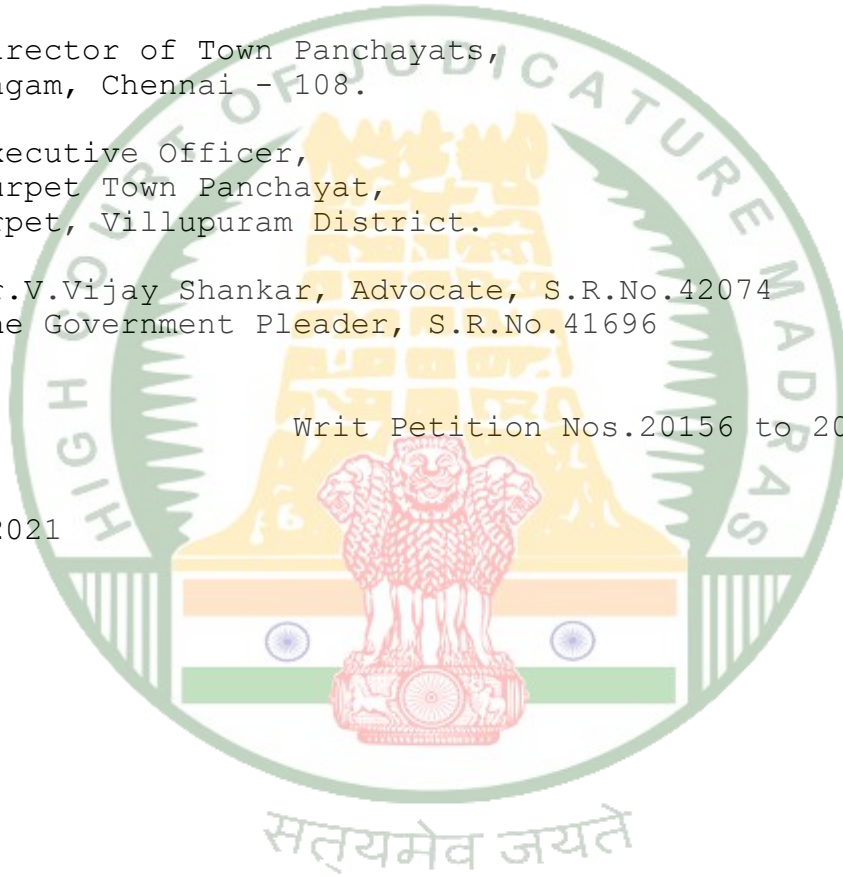
1. The Director of Town Panchayats,
Kuralagam, Chennai -108.
2. The Executive Officer,
Ulundurpet Town Panchayat,
Uludurpet, Villupuram District.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.42074

+1cc to the Government Pleader, S.R.No.41696

Writ Petition Nos.20156 to 20160 of 2014

BS (CO)
CS/21/01/2021



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