



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.2928 of 2013

I.Veeramani

... Petitioner

vs.

1.The Deputy Chief Inspector of Factory,
Tirunelveli.

2.The Managing Director,
Government Rubber Corporation Limited,
Vadaseri, Nagercoil, Kanyakumari District. ... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings of the second respondent in Na.Ka.No.L2/12029/2010-1, dated 29.12.2010 and quash the same and further to direct the second respondent to pay salary to the petitioner in par with the other permanent factory workmen of the second respondent Corporation as per the order of the first respondent, dated 14.05.2010.

For Petitioner	: No Appearance
For R-1	: Mr.K.S.Selva Ganeshan Government Advocate
For R2	: Mr.Ravichandran

O R D E R

When the Writ Petition was taken up for hearing on 14.06.2021 at 10.55 am, there was no representation for the petitioner and hence, this Court directed the Writ Petition to be listed after a week under the caption "for dismissal". It appears that the Writ Petition was not listed for a long time. Today, ie., on 19.08.2021, when the Writ Petition is taken up for hearing, there is no representation for the petitioner.

2.The petitioner, who is a factory workman, has filed this Writ Petition challenging the impugned communication of the second respondent, dated 29.12.2010 rejecting the petitioner's representation for time scale of pay and other monetary benefits. By the impugned communication, it is stated that as per the settlement, the petitioner and other workmen are not eligible for time scale of pay or monthly salary. Since the workers are paid daily wages, as per contract of employment, the petitioner was



petitioner cannot be considered.

3.It is the case of the second respondent Management, namely, the Government Rubber Corporation Limited, that the petitioner has been paid daily wages in compliance with the terms in the settlement, dated 22.10.2008 entered into with the Trade Unions under Section 12(3) of the Industrial Disputes Act. As per the subsequent settlement, dated 16.10.2012, the Trade Unions had agreed for revision of wages of the workers on daily wage basis. Since the petitioner is paid wages as payable to any permanent worker in the same cadre, the second respondent stated in the counter affidavit that there is no discrimination or illegality in treating the petitioner on daily wage basis.

4.Since the status of petitioner is maintained as per the settlement, the learned Counsel for the second respondent submitted that the Writ Petition is ill advised. He further stated that on several earlier occasions, the learned Counsel for the petitioner did not report and the Writ Petition was adjourned on every occasions. However, this Court find that only on the earlier occasion, the learned Counsel for the petitioner is not present and this Court directed the Writ Petition to be listed under the caption "for dismissal", by order, dated 14.06.2021.

5.It is further stated by the learned Counsel for the second respondent that the Kumari District Arasu Factory Workers Muneeta Sangam, which is a registered Union, raised an industrial dispute on the same issue regarding the payment of salary on monthly basis. It is further stated that the Government declined to refer the matter for adjudication vide G.O.(D)No.115, Labour and Employment (C) Department, dated 19.03.2013. It is further stated that the Trade Union did not challenge the said order and it has become final.

6.In the view of the above circumstances, this Court does not find any merits in this Writ Petition and accordingly, this Writ Petition is dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Cmr



To

1.The Deputy Chief Inspector of Factory,
Tirunelveli.

2.The Managing Director,
Government Rubber Corporation Limited,
Vadaseri, Nagercoil, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-26906[F] dated 23/08/2021)

W.P. (MD) No.2928 of 2013
19.08.2021

PS (CO)
SB(01.09.2021) 3P 4C