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W.P.No.18219 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.18219 of 2021

1. K.Selvamani
2. J.Rajathilagam

... Petitioners

Versus

- 1.The State of Tamil Nadu
rep by its Principal Secretary,
Public Works Department,
Fort St.George, Chennai-9.
2. The Chief Engineer (General) and Engineer in Chief,
WRO, Public Works Department,
Chepauk, Chennai-5.
3. The Executive Engineer,
Public Works Department,
WRO, Lower Bhavani Basin Division,
Erode-638 002.
4. The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Sub-Division,
Coimabtoe-641 001

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to consider the claim of the petitioners herein for grant of minimum time scale of pay of Rs.18,500/-per mensem applying equal pay for equal work under Article 39(d)



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of the Constitution of India and as had been granted and extended in favour of similarly placed persons as per G.O.Ms.No.233, Public Works Department dated 06.12.2019 on the basis of collective representation dated 19.02.2020 on merits and as per law.

For petitioners: :Mr.L.Chandrakumar

For Respondents : Mr.L.S.M.Hasan Fizal

AGP

For R.1

Ms.M.Jayanthi

AGP

For R.2 to R.4

ORDER

This writ petition has been filed seeking for consolidated pay of Rs.18,500/- p.m to each of the petitioners as per the minimum time scale of pay fixed under G.O.Ms.No.233 Public Works Department dated 06.12.2019.

2. The petitioners claim that they have been working as NMRs/Daily rated Casual Labourers for several years. According to the petitioners, by G.O.Ms.No.233 dated 06.12.2019 referred to supra, payment of wages to 3407 Nominal Muster Rolls/Daily rated Casual Labourers was fixed on consolidated basis at Rs.18,500/-per month. According to the petitioners, similarly placed persons were granted consolidated pay of Rs.18,500/- in terms of

G.O.Ms.No.233 dated 06.12.2019. However, the petitioners have been omitted



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arbitrarily. The petitioners contend that they have been receiving only Rs.15,500/- per month each and G.O.Ms.No.233 dated 06.12.2019 has not been applied to them. In such circumstances, they have given representations on 19.02.2020 to the respondents requesting them to pay them a consolidated pay of Rs.18,500/-per month each as is being done to the similarly placed persons by applying G.O.Ms.No.233 dated 06.12.2019. Since the representations of the petitioners have not been considered earlier, they have filed this writ petition.

3. A counter affidavit has been filed by the second respondent, denying the contentions of the petitioners. According to them, the petitioners were not engaged at any time in the offices of the third and fourth respondents. They also deny the contentions of the petitioners that they are still continuing to be under the employment of the respondents 3 and 4. They also contend that G.O.Ms.No.233 dated 06.12.2019 does not apply to the petitioners.

4. Heard Mr.L.Chandrakumar, learned counsel for the petitioners and L.S.M.Hasan Fizal, learned Additional Government Pleader for the first respondent and Ms.M.Jayanthi, learned Additional Government Pleader for the respondents 2 to 4.

5. Learned counsel for the petitioners would submit that the



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respective petitioners shall produce all the documentary evidence before the respondents as and when their representations, seeking for payment of consolidated monthly pay of Rs.18,500/-each is considered on merits and in accordance with law.

6. No prejudice would be caused to the respondents if the petitioners' representations both dated 19.02.2020 seeking for payment of consolidated monthly pay of Rs.18,500/-each is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. The petitioners claim that similarly placed persons were granted a consolidated monthly pay of Rs.18,500/- by applying G.O.Ms.No.233 dated 06.12.2019 referred to supra and the petitioners also claim that there must be equal pay for equal work and according to them, there cannot be any discrimination as the similarly placed persons who have been paid higher consolidated pay of Rs.18,500/- per month are also doing the very same work done by the petitioners.

8. For the foregoing reasons, this Court directs the respondents 1 and 2 to pass orders on merits and in accordance with law on the petitioners'



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pay of Rs.18,500/- each as was done to the similarly placed persons, within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

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sr

Index: Yes/No
Speaking Order/Non-Speaking Order

To

1. The Principal Secretary,
Government of Tamil Nadu,
Public Works Department,
Fort St.George, Chennai-9.
2. The Chief Engineer (General) and Engineer in Chief,
WRO, Public Works Department,
Chepauk, Chennai-5.
3. The Executive Engineer,
Public Works Department,
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ABDUL QUDDHOSE,J.,

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