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W.P.Nos.29528 to 29536 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.29528 to 29536 of 2012
and M.P.No.1 of 2012 (9 Nos.) & M.P.No.1 of 2013 (9 Nos.)

W.P.No.29528 of 2012 :-

The Executive Officer,
Nandhivaram – Guduvancherry
Town Panchayat,
Guduvancherry,
Kancheepuram District.

...Petitioner

-Vs-

1. E.Thangaraj
C/o. General Secretary,
Ooraga Ullatchi Sugathara Pothu
Paniyalargal Sangam (AITUC),
No.2, Vaidyanathan Street,
Chindadripet,
Chennai – 2.

2. The Presiding Officer,
3rd Additional Labour Court,
Chennai.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relates to the order passed by the second respondent Labour Court dated 18.10.2011 in C.P.No.197 of 2007 and to quash the same.



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In all W.Ps.

For Petitioner : No appearance

For Respondents

For R1 : Mr.K.M.Ramesh, Senior Counsel
For Mr.K.Bharathi

For R2 : Court

COMMON ORDER

These writ petitions have been filed challenging orders dated 18.10.2011 passed by the second respondent viz., Labour Court, thereby allowed the claim petitions filed for computing the difference in salary for the period from 01.04.2003 to 30.06.2006.

2. The first respondent in all the writ petitions (herein after called as “the workers”) were working as sanitary workers from the year 2000 in the petitioner panchayat. They were paid consolidated salary with annual increment of 10% of their salary. As per the government order in G.O.Ms.No.84, Municipal Administration and Water Supply Department, dated 21.05.1998, the sanitary workers, those who are completed three years in service, were brought under regular time pay scale of Rs.2550-50-2660-60-3200 along with other allowances. As per



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the said order, the workers should have been brought on regular time scale of pay with effect from 01.04.2003. However, they were granted the above scale of pay only from 01.07.2006. Therefore, they filed claim petitions before the second respondent viz., Labour Court and the same were allowed. Aggrieved by the same, the petitioner filed the present writ petitions with the above said prayer.

3. Before the Labour Court, the petitioner had taken specific stand that the workers were not at all regularized. Further G.O.Ms.No.60 dated 23.06.2006 is applicable only those have been regularized from their service. The workers' service was not regularized as such, they are not entitled salary as per the said G.O. Further between 2001 to 2006, there was a ban order issued by the Tamil Nadu government for employment in the department and as the same was lifted by G.O.Ms.No.60, dated 23.06.2006. Accordingly, the workers were regularized and their pay was fixed. Being accepted the said regularization, there were joined duty without any protest and therefore, they have estopped from claiming the salary as per G.O.Ms.No.84 dated 21.05.1988. That apart, the G.O.Ms.No.84 dated 21.05.1988 is only a



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guideline to regularize the temporary employees under the department and it is no relates to the fixation of pay or regularization of the workers.

4. However, the Labour Court allowed the claim petitions based on the order passed by the Hon'ble Division Bench of this Court in W.A.Nos.47 & 385 of 2010, in which this Court held that sweepers/sanitary workers are entitled to time scale of pay on completion of three years of service as per the government order in G.O.Ms.No.84 Municipal Administration and Water Supply Department, dated 21.05.1988. Therefore, this Court finds no infirmity or illegality in the order passed by the Labour Court and all the writ petitions are devoid of merits and liable to be dismissed.

5. Accordingly, all the Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

04.09.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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To

1. The General Secretary,
Ooraga Ullatchi Sugathara Pothu
Paniyalargal Sangam (AITUC),
No.2, Vaidyanathan Street,
Chindadripet,
Chennai – 2.



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