



W.P.Nos.28066 to 28078 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM:

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

W.P.Nos.28066 to 28078 of 2013
and MP.Nos.1 & 2 of 2013(13 Nos.)

WP.Nos.28066 of 2013

The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003

... Petitioner

Vs.

1.The Presiding Officer,
IInd Additional Labour Court,
Chennai 600 104
2.Sundaramma

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records pertaining to impugned award dated 09.04.2013 passed in CP.No.402 of 2007 on the file of first respondent court namely II Additional Labour Court, Chennai and quash the same.

For Petitioner
in all WP's

: M/s.K.Aswini Devi,
Standing Counsel



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For Respondents

R1 : Court

in all WP's

For R2

in all WP's : Mr.K.M.Ramesh,
Senior Counsel
for Mr.S.Apnu

COMMON ORDER

The petitioner challenge the order of the II Additional Labour Court, Chennai in C.P.Nos.402 to 414 of 2007 dated 09.04.2013.

2. The second respondent in all the writ petitions are workmen and the impugned order has been passed against them in common. Therefore, this Court is inclined to pass common order in these writ petitions.

3. It is the case of the workmen that they are entitled to regular time scale of pay from the date on which they completed three years of service on consolidated pay. The writ petitioner had granted them the benefit only from the date of regularisation. The entire dispute is within the period before regularisation. The Labour Court had held that the



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workmen have a right for claiming the difference in pay in view of the fact of G.O.Ms.No.71 dated 05.05.1998 and that the ban imposed by the Government in G.O.Ms.No.212 (P&IR) dated 01.01.2002 does not affect the payment of difference in pay scale.

4. The subject matter of these writ petitions was also the subject matter in a Full Bench judgment of this Court in ***Secretary to the Government, Municipal Administration and Water Supply Department ~vs~ V.Marisamy*** reported in **2017(3) CTC 673**. The Full Bench was pleased to hold as follows:

?29.(a) Persons employed as Sanitary Workers and covered by G.O.Ms.No.101, dated 30.04.1997 and G.O.Ms.No.71, dated 05.05.1998 are entitled to be regularized after the completion of the respective period under Consolidated Pay as specified in the Government Orders from the date of their initial appointment.?

5. Therefore, following the Full Bench judgment of this Court, all these writ petitions have to be dismissed. However, the learned Standing Counsel appearing for the petitioner would bring to notice of this Court that the said order of the Full Bench has been kept in abeyance by



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proceedings in S.L.P.(C) No.21935 of 2017 and S.L.P.No.19874 of 2017. Therefore, there is no point in keeping these writ petitions pending. In the light of the above judgment, these writ petitions are liable to be dismissed. However, the computation of the payment for each of the workman will be done based on the verdict of the Supreme Court after the disposal of the aforesaid S.L.Ps.

6. With the above observation, these writ petitions are dismissed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

24.07.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003
- 2.The Government Advocate,
Madras High Court



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G.K.ILANTHIRAIYAN, J.

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