



WEB COPY



W.P.No.9865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HON'BLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No. 9865 of 2023

Greater Chennai Corporation,
Malaria Disease/Mosquito Eradication,
Employers Welfare Association,
Represented by its Secretary,
E.Radhakrishnan,
No.13, K.K.1st street, MKB Nagar,
Ambattur, Chennai-600 053.

... Petitioner

Versus

1.The Secretary to Government,
Municipal Administration and
Water supply Department,
For St.George, Chennai-600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

3.The Zonal Officer,
Zone-7, Ambattur,
Chennai-600 053.

4.The Zonal Welfare Officer,



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Zone-7, Ambattur,
Chennai-600 053.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, to direct the respondents to dispose of the petitioner Association representation's dated 21.02.2023 and pay minimum wages of Rs.500/-per day as ordered by this Hon'ble Court ordered in W.A.No.1379 of 2022 dated 14.12.2022.

For Petitioner : Mrs.S.Ilamvaludhi

For Respondent 1 : Mrs.R.Anitha
Special Government Pleader.

For Respondents 2,3 and 4 : Mrs.P.T.Ramadevi
Standing Counsel.

ORDER

This Writ Petition has been filed to direct the respondents to dispose of the petitioner association representation's dated 21.02.2023 and pay minimum wages of Rs.500/-per day as ordered by this Hon'ble Court ordered in W.A.No.1379 of 2022 dated 14.12.2022.

2. The learned counsel for the petitioner would submit that the



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members of the petitioner association were joined as Sanitary Workers in the National Urban Livelihood Mission(NULM) in the year 2012. Presently, they are working in Chennai Corporation of Zone-7. In the scheme of NULM, various categories are designated viz., sweepers and sewerage workers. Later, the Government of India had introduced a scheme called National Malaria Eradication Programme, which was merged with NULM. He would submit that the sanitary workers, members of an union called “Uzhaippor Urimai Iyakkam” filed writ petition in W.P.No.8281 of 2021 before this Court seeking direction to fix minimum wages for them specified in the Act and the same was disposed of with a direction to the respondents. Aggrieved over the same, the Government preferred a Writ Appeal in W.A.No.1379 of 2022 before this Court and this Court had stayed the operation of that order and the order of stay has been modified on 14.12.2022. This Court, by order dated 22.12.2022, had issued directions directing the respondent corporation to pay a consolidated sum of Rs.500/- per day to the sanitary workers as daily wages, commencing from the 1st week of January 2023. Also, the respondent corporation shall fix the minimum wages to the sanitary workers who are working under NULM,



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within an outer time limit of three months from the date of receipt of a copy of that order. Pursuant to the order, the Government had passed an order on 24.01.2023 fixing minimum wages of Rs.500/- per day for the sanitary workers. It is the contention of the learned counsel for the petitioner union that they are eligible to be recognized as sanitary workers since they were working in the said post without any break. The Hon'ble Supreme Court also held in various cases that the continuity of employment is necessary even if there is any break within 242 days, it is only artificial break. It is their further contention that through an agent only, the salary to the workers has been disbursed and not directly to the workers bank account.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the 1st respondent and the learned Standing Counsel for the respondents 2,3, and 4.

4. In view of the facts and circumstances of the above case and the order passed by the Hon'ble Division Bench of this Court in W.A.No.1379 of 2022, this Court directs the respondents to consider the representation of the



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petitioner's association dated 21.02.2023 and fix minimum wage of Rs.500/-
(Rupees Five Hundred only) per day as ordered by this Court in
W.A.No.1379 of 2022 dated 22.12.2022 without showing any
discrimination. The 2nd respondent is directed to consider the same within a
period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No order
as to costs.

31.03.2023

Index: Yes/ No
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V.BHAVANI SUBBAROYAN, J.

nr

To

- 1.The Secretary to Government,
Municipal Administration and
Water supply Department,
For St.George, Chennai-600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-600 003.
- 3.The Zonal Officer,
Zone-7, Ambattur, Chennai-600 053.
- 4.The Zonal Welfare Officer,
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