



W.P.Nos.18397, 25550 & 24115 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.18397, 25550 & 24115 of 2021

W.P.No.18397/2021

1. P.Krishna
2. P.Krishnananda Swamy @ P.K.Swamy
3. D.CH.Mavullu
4. T.Veerabhadra Rao @ T.V.Bhadra Rao
5. G.Veera Ragavulu @ G.V.Raghavulu
6. N.Veerababu
7. N.Ramanna
8. P.A.K.Varma
9. V.Narasimha Murthy @ V.N.Murthy
10. B.Sankarudu
11. P.Prasad
12. S.K.Basha
13. M.Arjuna Rao
14. P.Satyanarayana
15. K.Dhanapathi Rao

... Petitioners

/vs/

1. The Union of India
Rep. by Govt. of Puducherry,
Chief Secretariat,
Puducherry – 605 001.



W.P.Nos.18397, 25550 & 24115 of 2021

2. The Director,
Local Administration Department,
Pondicherry – 1

3. The Commissioner,
Yanam Municipality,
Yanam – 533 464.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to implement the scheme of Temporary Status vide O.M.No.51016/2/30-Estt(C), dated 10.09.1993 of Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi and communicated vide G.O.Ms.No.20, dated 05.04.1995 by the DP & AR (Personnel wing), Puducherry with effect from the respective date of eligibility of the petitioners and consequently direct the respondents to pay the arrears of difference in wages by virtue of implementation of the temporary status from the respective dates of eligibility of the petitioners based on the petitioner's representation dated 10.02.2021.

W.P.No.25550 of 2021

1. N.Mourougan
2. S.Babu
3. V.Balamurugan
4. R.Archunan
5. A.Anandhan
6. D.Padmavady
7. S.Govindu



W.P.Nos.18397, 25550 & 24115 of 2021

8. V. Padmavathy
9. V. Dhanasu
10. K. Manibalan
11. P. Sampathy
12. A. Sundaramoorthy
13. P. Muthuvel
14. R. Santhanam
15. G. Perumal
16. M. Srinivasan
17. K. Rajavel
18. L. Ramesh
19. V. Mahalingam
20. V. Ayyapan
21. P. Ezhumalai
22. K. Murthy
23. K. Murugayan
24. P. Sivanesan
25. V. Rangasamy
26. R. Perumal
27. S. Durairaj
28. R. Srinivasan
29. M. Perumal
30. A. Latchumanasamy
31. S. Vijayan
32. D. Palani
33. S. Rajasekaran
34. D. Irrisamma

...Petitioners

/vs./

1. The Union of India
Rep. by Govt. of Puducherry,
Chief Secretariat,
Puducherry – 605 001.
2. The Director,
Local Administration Department,
Pondicherry – 1.



W.P.Nos.18397, 25550 & 24115 of 2021

3. The Commissioner,
Villianur Commune Panchayat,
Villianur
Puducherry – 605 005.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to implement the scheme of Temporary Status vide O.M.No.51016/2/30-Estt(C), dated 10.09.1993 of Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi and communicated vide G.O.Ms.No.20, dated 05.04.1995 by the DP & AR (Personnel wing), Puducherry with effect from the respective date of eligibility of the petitioners and consequently direct the respondents to pay the arrears of difference in wages by virtue of implementation of the temporary status from the respective dates of eligibility of the petitioners based on the petitioners' representations dated 23.11.2020.

W.P.No.24115 of 2021

1. R.Kannan
2. R.Ramesh
3. G.Punniakodi
4. V.Tamiliselvam
5. S.Manivannan
6. A.Sangothari
7. M.Hariharan
8. D.Iyyanar
9. T.Muruganantham
10. K.Pushpanatham
11. J.Arumugam



W.P.Nos.18397, 25550 & 24115 of 2021

12. V.Deivasigamani
13. N.Palani
14. M.Pandurangan
15. M.Kumaraguru
16. S.Veera Velmurugan
17. R.Sundaram
18. R.Kala
19. S.Perumal
20. P.Masilamani
21. A.Azhagappan
22. K.Muthukumaran
23. K.Murugan
24. M.Shankar
25. V.Thulukkanam

...Petitioners

/vs./

1. The Union of India
Rep. by Govt. of Puducherry,
Chief Secretariat,
Puducherry – 605 001.
2. The Director,
Local Administration Department,
Pondicherry – 1
3. The Commissioner,
Oulgaret Municipality,
Jawar Nagar,
Puducherry – 605 005.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to implement the scheme of Temporary Status vide O.M.No.51016/2/30-Estt(C), dated



W.P.Nos.18397, 25550 & 24115 of 2021

10.09.1993 of Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi and communicated vide G.O.Ms.No.20, dated 05.04.1995 by the DP & AR (Personnel wing), Puducherry with effect from the respective date of eligibility of the petitioners and consequently direct the respondents to pay the arrears of difference in wages by virtue of implementation of the temporary status from the respective dates of eligibility of the petitioners based on the petitioners' representations dated 09.11.2020.

For Petitioner ... Mr.D.Sreenivasan
(in all W.P's.)

For Respondents ... Mr.Ramasamy Meyappan
(in all W.P's.) Additional Govt. Pleader (Puducherry)

COMMON ORDER

These Writ Petitions are filed to direct the respondents to implement the scheme of Temporary Status vide O.M.No.51016/2/30-Estt(C), dated 10.09.1993 of Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi and communicated vide G.O.Ms.No.20, dated 05.04.1995 by the DP & AR (Personnel wing), Puducherry with effect from the respective date of eligibility of the petitioners and consequently direct the respondents to pay the arrears of difference in wages by virtue of implementation of the



W.P.Nos.18397, 25550 & 24115 of 2021

temporary status from the respective dates of eligibility of the petitioners based on the petitioners' representations.

2. The petitioners are said to have been engaged as Daily Wagers on various dates by the third respondent municipality. The petitioners' temporary status will relate back to the respective date of their eligibility. But, due to the delay in causing the order for conferring temporary status upon the petitioners, the petitioners cannot be made to loose the pay benefit attached to the temporary status.

2.1. Attention of the Court was attracted to the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993, which speaks about the temporary status. The relevant paragraph of the scheme is extracted hereunder :

“ 5. Temporary status would entitled the casual labourers to the following benefits:

i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.

ii) Benefits of increments at the same rate as applicable to a Group “D” employee would be taken into account for calculating pre-rata wages for



every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.

iii) Leave entitlement will be on a pre-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the Leave at their credited their regularization. They will not be entitled to the benefits of encashment of leave on termination of services for any reason or on their quitting service.

iv) Maternity Leave to lady casual labourer as admissible to regular Group 'D' employees will be allowed.

v) 50% of the service rendered under Temporary status would be counter for the purpose of retirement benefits after their regularization.

vi) After rendering three years continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/ Flood Advance of the same conditions as are applicable to temporary Group 'D' employees, provided they furnish two surieties from permanent Government servants of their Departments.

vii) Until they are regularized, they would be entitled to Productivity Linked Bonus / Ad-hoc bonus only at the rate as applicable to casual labourers."

2.3 It is claimed by the petitioner that they have completed 240 days of service as early as in the year 1997-1999. However they have been given



W.P.Nos.18397, 25550 & 24115 of 2021

with temporary status only in the year 2002.

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3. Mr.Ramasamy Meyappan, the learned counsel for the respondents, did not quarrel with the nature of the scheme and its terms. However, he submitted that each of the petitioners' case will be different depending upon the type of employment and the process of their employment and hence the petitioners representation cannot only be considered in the light of the scheme but only after examining all other details in this regard.

4. In that case it is open to the petitioners to make their representation with the relevant details called for by the respondents and on getting the same, the respondents shall consider and pass orders in terms of the scheme especially in compliance of Paragraph No. 5 of the “Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993”, within a period of six weeks from the date of receipt of a copy of this order. While considering the representation of the petitioner, it is desirable that the respondents shall also take into consideration of the earlier order of the Hon’ble Supreme Court in similarly



W.P.Nos.18397, 25550 & 24115 of 2021

placed person in the case of *Union of India Vs. Nagarajan & others*

dated 16.01.2015 in S.L.P.(C) No.17349/2007.

5. With the above directions, these writ petitions are disposed. No costs.

12.12.2023

Index: Yes / No

Speaking order / Non-speaking order

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W.P.Nos.18397, 25550 & 24115 of 2021

To:
WEB COPY

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Puducherry – 605 001.
2. The Director,
Local Administration Department,
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W.P.Nos.18397, 25550 & 24115 of 2021

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W.P. Nos.18397, 25550 & 24115 of 2021

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