



W.P.Nos.31576 to 31584 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition Nos.31576, 31577, 31578, 31579, 31580
31581, 31582, 31583 and 31584 of 2014
and M.P.Nos.2,2,2,2,2,2,2,2 and 2 of 2014

Pallavapuram Municipality
Rep.by its Commissioner
Chromepet, Chennai-44.

.... Petitioner in all W.Ps.

-Vs-

1. The Presiding Officer
II Additional Labour Court
Chennai

.... R1 in all W.Ps.

2. K.Subramani

.... R2 in W.P.31576/2013

T.M.Nalini

.... R2 in W.P.31577/2013

J.Sugunammal

.... R2 in W.P.31578/2013

A.Balasubramanian

.... R2 in W.P.31579/2013

M.Balaraman

.... R2 in W.P.31580/2013

Samathanam

.... R2 in W.P.31581/2013

S.Ramu

.... R2 in W.P.31582/2013

V.Sekaran

.... R2 in W.P.31583/2013

V.Kottiah

.... R2 in W.P.31584/2013

Common Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the award of the 1st respondent in C.P.Nos.184, 185, 186, 187, 188, 189, 190, 191 and 192 of 2007 dated 31.07.2013 and quash the same.



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W.P.Nos.31576 to 31584 of 2014

In all W.Ps.

For Petitioner : Mr.P.Srinivas
For Respondents : Mr.K.M.Ramesh, Senior Counsel
for M/s.S.Aparna – for R2 in all W.Ps.
R1 - Court

COMMON ORDER

The petitioner challenges the order of the Labour Court in C.P.Nos. 184, 185, 186, 187, 188, 189, 190, 191, 192 of 2007 dated 31.07.2012.

2. 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 from 28.02.2006 and not from 01.01.2002. The entire dispute is within the period of four years. The labour Court had held that the 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.

3. The subject matter of this writ petition was also the subject matter in a Full Bench judgment of this Court in **Secretary to the Government,**



W.P.Nos.31576 to 31584 of 2014

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.”

4. Therefore, following the Full Bench judgment of this Court, all these writ petitions have to be dismissed. However, Mr.P.Srinivas would bring to my notice that the said order of the Full Bench has been kept in abeyance by 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 stand 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.

5. With the above observation, these writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

14.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.Nos.31576 to 31584 of 2014

V. LAKSHMINARAYANAN, J.

KST

To

The Presiding Officer
II Additional Labour Court
Chennai.

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of 2014**

14.06.2023