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W.P.No.10814 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10814 of 2017

Tamil Nadu Kdhar Kirama Thozhil
Variya Thozhilalar Sangam,
Rep by its General Secretary
N.L.Sridharan
No.5/570, Sathsangam Street,
Madipakkam, Chennai-91

.. Petitioner

Vs.

1.The Secretary to Government,
Handloom, Handicrafts,
Textile and Khadi Department,
Fort St.George,
Chennai-600 009.

2.The Chief Executive Officer,
Tamil Nadu Khadi & Village Industries Board,
Kuralagam,
Chennai-108

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue appropriate writs, orders or direction more particularly a Writ in the nature of Mandamus directing the Respondents to grant scale of pay to the workmen working in handmade paper units and soap making units, who are members of Petitioner Union numbering 225 whose names are given in the



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typed set equal to the scale of pay of basic servants/last grade servants working in Government with arrears and consequential benefits as agreed by the 2nd Respondent in the Settlement dated 28.09.2013.

For petitioner : Mr.V.Ajay Khose
for M/s.Muthupandian

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader for R1

: Mr.R.Neelakandan,
Additional Advocate General for R2

ORDER

This Writ Petition has been filed for a direction to the respondents to grant scale of pay to the workmen of the closed units on par with the basic Government Servants as per the settlement dated 28.09.2013.

2. The facts in brief are :-

The members of the petitioner union are the workmen of the 2nd respondent board which initially had 19 hand made paper units/Soap making units, out of which, 15 hand made paper units were closed by the 1st respondent against which, the petitioner union raised an industrial dispute before the Industrial Tribunal in I.D.No.100 of 2000, wherein, it was held



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that the closure of 15 hand made paper units, without seeking permission under Section 25(o) of the Act is illegal. As against the order of Tribunal, the 2nd respondent filed a Writ Petition in W.P.No.795 of 2007 which was dismissed. Subsequently, the petitioner union and the 2nd respondent entered into a settlement dated 28.09.2013 wherein the petitioner has agreed to receive 35% of backwages. Based on the meeting held on 17.09.2013, the 2nd respondent sent a proposal to the 1st respondent seeking grant of scale of pay on par with the basic Government Servants as per the settlement dated 28.09.2013, however, the 1st respondent by an order dated 29.01.2016, had sanctioned only a sum of Rs.85,06,020/- towards 35% of the arrears of wages to the workmen of the closed units. In this regard, the petitioner union made a representation dated 02.12.2016 to the 2nd respondent, however, till date, the same has not been considered which resulted in filing of this Writ Petition.

3. Learned counsel for the petitioner union would submit that it would suffice if this Court issues a direction to the respondents to consider the proposal dated 02.12.2016 with regard to grant scale of pay to the



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workmen of the hand made paper units/Soap making units on par with the basic Government servants in terms of the settlement dated 28.09.2013 arrived between the petitioner union and the 2nd respondent and pass appropriate orders.

4. On the above contention, this Court heard the learned Additional Government Pleader appearing for the 1st respondent as well as the learned Additional Advocate General who has no serious objection to the said order being passed.

5. In view of the limited relief sought for by the petitioner union, this Court without going into the merits of the case, directs the 1st respondent to consider the proposal of the petitioner union dated 02.12.2016 seeking grant scale of pay to the workmen of the hand made paper units/Soap making units on par with the basic Government servants in terms of the settlement dated 28.09.2013 within a period of twelve weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs.

10.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

NHS

To

- 1.The Secretary to Government,
Handloom, Handicrafts,
Textile and Khadi Department,
Fort St.George,
Chennai-600 009.
- 2.The Chief Executive Officer,
Tamil Nadu Khadi & Village Industries Board,
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M.DHANDAPANI, J.

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