



W.A.(MD)No.963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.(MD)No.963 of 2023

and

C.M.P.(MD)No.7601 of 2023

- 1.The State of Tamilnadu,
The Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai-600 009.
- 2.The Director Project Co-ordination,
Chief Educational Officer,
Sivagangai, Sivagangai District.
- 3.The District Collector,
Sivagangai, Sivagangai District. ... Appellants / Respondents 1 to 3

Vs.

- 1.Kaleeswaran ... 1st Respondent / Writ Petitioner
- 2.The Head Master,
UT/RMSA Model School,
S.Pudur, Singampunari,
Sivagangai District. ... 2nd Respondent / 4th Respondent



W.A.(MD)No.963 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 08.11.2022 made in W.P.(MD)No.1136 of 2020 on the file of this Court.

For Appellants : Mr.D.Sadiq Raja,
Additional Government Pleader
For R1 : Mr.S.Muthupandi

JUDGMENT

(Judgment of the Court was delivered by
D.BHARATHA CHAKRAVARTHY, J.)

This Writ Appeal is directed against the order of the learned Single Judge dated 08.11.2022 made in W.P.(MD)No.1136 of 2020, in and by which, the Writ Petition filed by the 1st respondent was allowed by setting aside the order impugned in the Writ Petition and directing the appellants to pay a sum of Rs.9,700/- (Rupees Nine Thousand and Seven Hundred Only) as his monthly consolidated pay.

2.Heard Mr.D.Sadiq Raja, learned Additional Government Pleader for the appellants, who would submit that the 1st respondent was only on a contract employment, wherein his remuneration has been clearly fixed and having agreed



W.A.(MD)No.963 of 2023

for the said remuneration, he cannot thereafter ask for enhancement and his case cannot be compared to that regular employee and no regularization can be given.

3.We have given our anxious consideration to the said submission made by the learned Additional Government Pleader for the appellants.

4.It can be seen that a sum of Rs.6,000/- (Rupees Six Thousand Only) was fixed in the year 2010 and the learned Single Judge, after taking into account that the persons, who are working as regular Librarian, are drawing pay starting from Rs.9,700/-, has directed re-fixation at Rs.9,700/- and directed the payment of arrears. Further, it could be seen from paragraph No.6 of the counter affidavit filed by the 2nd appellant in the Writ Petition that the 1st respondent / writ petitioner was permitted to join duty as Librarian after a due selection process.

5.Firstly, the principle of 'Equal Pay for Equal Work' would apply. Just because the contract was entered in the year 2010, the remuneration cannot be taken to be continued eternally. Secondly, if a sum of Rs.6000/- is given, that would be lesser than the minimum wages and would be extremely unfair.



W.A.(MD)No.963 of 2023

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6. In that view of the matter, we are unable to accept the submissions made by the learned Additional Government Pleader for the appellants and finding no merits, this Writ Appeal stands dismissed. At this juncture, it is represented by the learned Additional Government Pleader for the appellants that since the Contempt Petition is pending, the appellants seek some more time for compliance of the order of the learned Single Judge. Therefore, eight weeks time is granted to the appellants to comply with the order of the learned Single Judge. No costs. Consequently, connected miscellaneous petition is closed.

(S.V.N., J.) & (D.B.C, J.)

03.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.A.(MD)No.963 of 2023

S.VAIDYANATHAN, J.
AND
D.BHARATHA CHAKRAVARTHY, J.
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W.A.(MD)No.963 of 2023

03.07.2023