



W.P.No.29505 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.29505 of 2015 and
M.P.Nos.1 & 2 of 2015

- 1.G.Ravichandran
- 2.Samadhanam
- 3.V.Sekaran
- 4.E.Umapathy
- 5.M.Balaraman
- 6.D.Ramani Ammal
- 7.Suguna
- 8.K.Rathinammal
- 9.Esthirammal
- 10.J.Suganammal
- 11.D.Issac
- 12.G.Sudarsan
- 13.A.Balasubramanian
- 14.M.Guruvaiah
- 15.V.Kottaiah
- 16.K.Subramani
- 17.S.Ramu
- 18.T.M.Nalini

... Petitioners

Vs.

The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai 600 044.

... Respondent



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records connected with the impugned proceedings bearing Na.Ka.No.1028/2002/H1 dated 16.07.2015 of the respondent herein and quash the same.

For Petitioners : Mr.K.M.Ramesh

For Respondent : Mr.P.Srinivas

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari, to call for the records connected with the impugned proceedings bearing Na.Ka.No.1028/2002/H1 dated 16.07.2015 of the respondent herein and quash the same.

2. Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

3. The petitioners herein who were working as Sanitary Workers in the respondent Municipality made a claim before II Additional Labour Court, Chennai in C.P.Nos.173 to 181 and 184 to 192 of 2007 for difference of salary. The said claim was allowed by the Labour Court by



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an order dated 31.07.2012. Accordingly, the petitioners were paid difference of salary in terms of the award dated 31.07.2012. However, the said award came to be challenged by the respondent Municipality before this Court by filing W.P.No.31576 of 2014 and batch. The said batch of Writ Petitions came to be dismissed by the learned Single Judge of this Court by following the Full Bench decision of this Court, in the case of ***The Secretary to the Government, Municipal Administration and Water Supply Department Vs. V.Marisamy, reported in 2017 (3) CTC 673***. However, the learned Judge had taken note of the fact that the said decision of the Full Bench is the subject matter of appeal before the Hon'ble Apex Court in SLP.(C) Nos.21935 and 19874 of 2017 and left it open to the respondent Municipality to take appropriate steps after disposal of the said SLPs.

4. From the above, the situation that stand as on date is that the award passed by the learned Labour Court was upheld by this Court and consequently, whatever payments that were paid to the petitioners in terms of the award dated 31.07.2012 stands legal. That being the case, the impugned proceedings issued by the respondent proposing to recover



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the amounts that were paid to the petitioners under the award dated 31.07.2012 cannot be sustained. Hence, the impugned proceedings dated 16.07.2015 is liable to be set aside and the same is accordingly set aside. However, it is made clear that in case the respondent Municipality succeeds in the appeal said to have been filed and pending before the Hon'ble Apex Court, it is open for the respondent Municipality to take steps in accordance with law.

5. Accordingly, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

20.08.2024

Index : Yes /No

Speaking / Non-speaking

Neutral Citation : Yes / No

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WEB COPY

To

The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai 600 044.



WEB COPY



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MUMMINENI SUDHEER KUMAR, J.

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