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W.P.No.9991 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.9991 of 2021 and
W.M.P.No.13991 of 2022

K.Chinnasamy

...

Petitioner

Vs.

The Member Secretary,
Sports Development Authority of Tamilnadu,
Nehru Park, Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation, dated 20.11.2019 regarding regularization of his services and restoration of his salary to Rs.9,000/- which was reduced without any order or notice to Rs.6,000/- and pass appropriate orders on merits and in accordance with law, within a time frame as deem fit and proper by this Court.

For Petitioner : Mr.B.Bala and Daisy
For Respondent : Ms.N.S.Tanvi,
Standing counsel



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ORDER

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The petitioner who is working as a Sanitary worker at Anna Stadium, Trichy, is paid with a salary of Rs.9,000/- per month in July 2019. However from the month of August 2019, his salary has been reduced to Rs.6,000/- without any notice. The petitioner has submitted a representation to regularise his service and restoration of his salary. But the claim of the petitioner has not been considered for 18 months. Hence, this Writ Petition.

2. Heard Mr.B.Bala and Daisy, learned counsel for the petitioner and Ms.N.S.Tanvi, learned Standing counsel appearing for the Respondent.

3. Ms.N.S.Tanvi, learned Standing counsel appearing for the Respondent submitted that the petitioner has been engaged as a sweeper on daily wage basis from 11.08.2011 and he had accepted the appointment on the condition that he should not claim regularisation. The Government in G.O.(2D).No.1, Youth Welfare and Sports Development Department, dated 04.01.2019 have issued orders fixing uniform wages for the staff working



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in the Sports Hostels from the year 2018-2019. Since Rs.6,000/- has been fixed as a monthly salary for the sweepers working in all the Sports Hostels, the wages of the petitioner was revised. So far as the regularisation is concerned, the Government had taken a policy decision that all Group-D categories like Sweepers, Scavengers, Cleaners and Gardner shall be progressively outsourced on contract basis.

4. The records would show that the petitioner is said to have been appointed as a casual worker in the Anna Stadium, Trichy on 01.02.1998 itself. Even though he was engaged at the Trichy Sports Hostel from 11.08.2011, the petitioner is seen to be in continuous service for 23 years. The Government stand that the services of the Sweepers, Scavengers, Cleaners and Gardeners shall be outsourced gradually, was a mater of contention in many of the earlier Judgments wherein it is held that when there is necessity for a regular post for certain categories of basic servants, the Government cannot avoid its commitment and act like an exploiting employer.



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5. The Government who has to act as a model employer, cannot go back from its responsibility stating that it has taken a policy. What is much worse is that the petitioner who has been given atleast a salary of Rs.9,000/- was forced to receive a less salary of Rs.6,000/- per month by suffering 1/3 cut of his salary on the basis of a subsequent Government Orders. It is understandable if the uniformity of wages is to the advantage of the workers and place them on par with other workers who get atleast minimum wages. Without any notice, the petitioner's wages cannot be reduced. Even if the petitioner is happen to a daily wages, the wages cannot not be fixed below the minimum wage index. Hence, the Government has to revise the wages of the petitioner in accordance with the minimum wages prescribed by the Government

6. In view of the above, this Writ Petition is disposed of. The respondent is directed to consider the representation of the petitioner, 20.11.2019, revise the wages of the petitioner in accordance with the minimum wages prescribed by the Government and pass appropriate orders



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accordingly, within a period of four weeks, from the date of receipt of a copy of this order. It is also to be noted that even though the petitioner has put on 23 years of service, his services have not been regularised so far. The respondent Government can with all benevolence consider the long service of the petitioner to accommodate him in any of the regular vacancy and pass orders. No costs. Consequently, connected miscellaneous petition is closed.

18.03.2024

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

To:

The Member Secretary,
Sports Development Authority of Tamilnadu,
Nehru Park, Chennai.



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