



W.P.Nos.19942 & 19299 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.Nos.19942 & 19299 of 2021**

- 1.P.Periasamy
- 2.N.Vetrivel
- 3.K.Selvaraj
- 4.K.Kuppan
- 5.P.Mani
- 6.G.Periyasamy
- 7.S.Jayaraman
- 8.V.Rajendran
- 9.I.Rajarathinam
- 10.P.Parameswaran
- 11.C.Gunasekaran
- 12.G.Chandrasekaran
- 13.M.Arumugavadivel
- 14.K.Periyasamy
- 15.S.Ramasamy
- 16.V.Kaliannan
- 17.M.Madheswaran

... Petitioners in W.P.No.19942 of 2021

- 1.A.Pappathi
- 2.S.Rathinammal
- 3.C.Prakasam
- 4.S.Maragathavalli
- 5.G.Rathinam
- 6.R.Lakshmi



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7.T.Indira  
8.K.Arjunan  
9.C.Selvaraj

... Petitioners in W.P.No.19299 of 2021

Vs.

- 1.The Salem District Co-op Milk Producers' Union Limited, E.D.912, Rep by its General Manager, Sithanur, Thalavaipatti Post, Salem 636 302.
- 2.The Commissioner for Milk Production and Diary Development, 36-A, Pasumpon Muthuramaling Thevar Road, Nandanam Extensio, Nandanam, Chennai 600 035.
- 3.The Secretary to Government, Dairying, Animal Husbandry, Fisheries Department, Government of Tamil Nadu, Secretariat, Fort St. George, Chennai 600 009.

... Respondents in both W.Ps

**Prayer in both W.Ps :** Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to grant the petitioners the revised time scale of pay of Rs.750/- from 28.05.1993 and Rs.2550-55-2660-60-3200 per month plus allowances with effect from 01.02.1996 and consequently pay all arrears of pay due to them upon such pay re-fixation as requested by the petitioners in their representation dated 03.07.2021 within a time frame.



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**In both W.Ps**

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For Petitioners : Mr.K.M.Ramesh, Senior Counsel  
for Mr.V.Subramani

For Respondents : Mr.P.Sathish, AGP for R1 & R2  
Mr.T.Chezhiyan, AGP for R3

**COMMON ORDER**

These Writ Petitions have been filed for the issuance of a Writ of Mandamus, directing the respondents to grant the petitioners revised time scale of pay of Rs.750/- from 28.05.1993 and Rs.2550-55-2660-60-3200 per month plus allowances with effect from 01.02.1996 and consequently pay all arrears of pay due to them upon such pay re-fixation as requested by the petitioners in their representation dated 03.07.2021 within a time frame.

2. Heard Mr.K.M.Ramesh, learned Senior Counsel for the petitioners and Mr.P.Sathish, learned Additional Government Pleader for R1 & R2 and Mr.T.Chezhiyan, learned Additional Government Pleader for R3.



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3. The petitioners joined 1<sup>st</sup> Respondent Management between the years 1983 and 1992 and have been working as casual labourers since then. After several years, they were regularised as Junior Mazdoors in the years 1993 and 2001, but were paid only basic pay of Rs.18/- plus allowances. In 2005, they were granted a time scale of pay and a senior mazdoor position. But many similarly placed workmen were granted similar pay as early as 1997. Aggrieved over that the petitioners are praying for a Writ of Mandamus directing the Respondents to grant revised time scales of Rs.750/- and Rs.2550-55-2660-60-3200 per month along with allowances from 01.02.1996, and pay all arrears of pay due to them within a time frame.

4. The case of these petitioners is similar to the dispute which arose in a Writ Petition in W.P.No.24797 of 2021 (K.Ganesan Vs. The Salem District Co-op.Milk Producers and others). In the said Writ Petition, this Court has passed the following order:

*"4. When a similarly placed person has filed Writ*



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*Petitions before this Court in W.P.Nos.1783 and 7760 of 2022 via order dated 03.01.2024, this Court has held as under:-*

*"5. Again, the Salem District Co-op. Milk Producers-Union Ltd., by its proceedings dated 18.08.2005, elevated 205 Junior Mazdoors as Senior Mazdoors and placed them in the time scale of pay of Rs.2550 - 55 - 2660 - 60 - 3200 with effect from 01.04.2005. However, the petitioners have not been given the status of Senior Mazdoors or their salary fixed in the time scale on par with their juniors. While being so, one A.Govindaraj and others filed a claim petition before this Court claiming the pay scale of Senior Mazdoor with effect from 01.02.1996 and the same was allowed. Aggrieved by the same, the Salem District Co-op. Milk Producers-Union Ltd, filed a writ petition before this Court and this Court dismissed the writ petition and it was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.256 of 2011. Aggrieved by the same, the Salem District Co-op Milk Producers- Union Ltd, preferred a Special Leave Petitions before the Hon'ble Supreme Court of India in Special Leave Petitions (C) Nos. 36247 to 36261 of 2011. The Hon'ble Supreme Court of India by an order dated 24.09.2019 held as follows:-*

*" These Special Leave Petitions pertain to the entitlement of the respondents for minimum scale of pay of Rs.2,550/- to 3,200/- w.e.f.1996 and not 2005 from*



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*which date they have been given the benefit.*

*During the pendency of these Special Leave Petitions, the petitioner has deposited the amount payable to the respondents in accordance with the directions issued by the Labour Court and affirmed by the High Court.*

*In view of the peculiar facts of these cases, we are not inclined to interfere. However, the relief granted by the High Court is restricted only to the respondents.*

*The Special Leave Petitions are, accordingly, disposed of. However, the question of law is kept on.*

*Pending applications, if any, also stand disposed of."*

*Accordingly, they were paid monetary benefits by the first respondent in W.P.No.1783 of 2022 by its communication dated 15.06.2020 and 19.11.2020.*

*6. Therefore, the petitioners herein are also entitled for the time scale of pay of Rs.2550 - 55 - 2660 - 60 - 3200. In fact, the Hon'ble Supreme Court of India modified the order that they are entitled for minimum scale of pay of Rs.2550 - 55 - 2660 - 60 - 3200 with effect from 01.02.1996 and not from 2005.*

*7. Therefore, the first respondent is directed to grant the revised time scale of pay of Rs.2550 - 55 - 2660 - 60 - 3200 with effect from their respective dates and disburse the arrears of pay as per the revised time scale of pay, within a period of twelve weeks from the date of receipt of a copy of this order."*



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*5. Since the above observation is applicable to the facts and relief sought in the present case also, I feel that this Writ Petition can also be disposed in similar lines.*

*6. In view of the above, this Writ Petition is **allowed** and the first respondent is directed to consider the petitioners 1 to 6 in their representation dated 13.09.2021 and 7<sup>th</sup> Petitioner's representation dated 05.09.2021 , in the light of the order passed by this Court dated 03.01.2024 in W.P.Nos.1783 and 7760 of 2022, within a period of twelve weeks from the date of receipt of a copy of this order. No costs."*

5. The matter in issue is also similar to the earlier Writ Petition filed in W.P.No.24797 of 2021, in which the above order has been passed. Since the petitioners are also similarly placed, their cases would also have the similar appreciation involved in the above Writ Petition. Hence the petitioners are also entitled to the same relief as already granted to the other similarly placed persons in the earlier judicial orders.

6. In view of the above, these Writ Petitions are allowed and the



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first respondent is directed to consider the petitioners' representation dated 03.07.2021 in the light of the order passed by this Court in the above judicial pronouncements, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**14.02.2024**

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

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To

- 1.The General Manager,  
The Salem District Co-op Milk  
Producers' Union Limited, E.D.912,  
Sithanur, Thalavaipatti Post,  
Salem 636 302.
- 2.The Commissioner for Milk Production and  
Diary Development,  
36-A, Pasumpon Muthuramaling Thevar Road,  
Nandanam Extensio, Nandanam,  
Chennai 600 035.
- 3.The Secretary to Government,  
Dairying, Animal Husbandry, Fisheries Department,  
Government of Tamil Nadu, Secretariat,  
Fort St. George, Chennai 600 009.



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**R.N.MANJULA, J.**

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**14.02.2024**