



Cont.P.No.1569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM :

**THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

Contempt Petition No.1569 of 2023

Uzhzippor Urimai Iyyakkam,
Re. by its President,
K.Bharathi,
Thozhar Koodam,
No.23 A, Mariamman Koil Street,
Ambattur, Chennai - 600 053.

... Petitioner

Vs.

Mr.J.Radhakrishnan,
The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

... Respondent

Contempt Petition is filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondent for wilful disobedience of the order dated 22.12.2022 made in W.A.No.1379 of 2022 & C.M.P.Nos.8840 and 10076 of 2022.

For petitioner : Mr.S.Kumaraswami

For respondents : Mrs.P.T.Ramadevi
Standing Counsel

ORDER



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(Order of the Court was made by R. MAHADEVAN, J.)

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Originally, the petitioner herein had filed a writ petition in WP. No. 8281 of 2021 seeking a direction to the respondent authorities to pay minimum salary of the permanent conservancy / sanitation workers to the NULM conservancy / sanitation workers working in Zone 7 Unit – 20, Division – 92 of the Greater Chennai Corporation with retrospective effect. By order dated 07.01.2022, the learned Judge disposed of the said writ petition with the following observations and directions:

"16. The Government/State Corporation which is a model employer is expected to protect the most weaker sections while employing them and it cannot exploit their labour. When the Corporation is involved in engaging contract or scheme workers, in whatever/howsoever it is nomenclatured, such workers cannot be meted out step motherly treatment in the matter of payment of wages to them. As the father of the Nation, Mahatma Gandhi said that -a nation's greatness must be measured by how it treats its weakest members-. The State Corporation is duty bound to address the legitimate grievances of the workers with all earnestness and empathy in regard to their entitlement of wages and conferment of minimum monetary benefits on them. It cannot throw up its hands contending they form a different class of workers and it has no responsibility at all to heed to their cry. Such stereotype, callous stand of the Corporation is opposed to fair play, good conscience and justice. The State and its Corporations are constitutionally bound to adopt fair method and means, to treat its last grade servants and must ensure that within the available resources, those workers are to be adequately compensated. The Corporation ought not to lose sight of the fact that these workers are integral and essential part of the maintenance of the City. Their day-to-day invaluable contribution for the upkeep of the city is indispensable for every citizen of this burgeoning city to lead a robust lifestyle in a wholesome environment.

17. For all the above said reason, the Writ Petition is disposed of with a direction to the respondents to formulate a comprehensive Scheme for bringing the NULM workers employed continuously for considerable length of time without any break in a regular scale of pay or wages which is rationale, reasonable and equitable. While formulating the Scheme, the respondents shall also take into account the work that is being extracted from these workers and also the time scale of pay that is being paid to the regular employees for doing the same work.

18. The respondents are directed to pass appropriate orders formulating



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a viable scheme within a period of twelve (12) weeks from the date of receipt of a copy of this order.

19. The respondents shall ensure that the inconsiderate and frugal wages paid to them as on date, is revised suitably towards their alleviation.

20. In the interregnum, the respondents are directed to pay the minimum wages fixed by the Government in respect of conservancy/sanitary workers and on such fixation, continue to pay to the NULM workers who are members of the petitioner union. No costs. Connected Miscellaneous Petitions are closed."

2. Aggrieved by the aforesaid order of the learned Judge, the respondent authorities preferred a writ appeal in WA. No. 1379 of 2022, in which, this court has passed the following order on 22.12.2022:

"Mr.S.Silambanan, learned Additional Advocate General appearing for the appellants submitted that the claim of sanitary workers cannot be justified comparing the payments effected at Coimbatore Corporation and Tiruppur Corporation. He strongly denied that the oral claim of those sanitary workers has been denied by the authorities. He also submitted that the payments of sanitary workers are effected meeting out the minimum scale fixed as per law.

2. On the other hand, Mr.S.Kumarasamy, learned counsel appearing for the second respondent submitted that the sanitary workers are fighting for quite number of years for their legal right of getting minimum wages. He further submitted that as per Section 12 of the Minimum Wages Act 1948, the respondent corporation is bound to pay the minimum wages to sanitary workers who are working under National Urban Livelihoods Mission (NULM). He also submitted that at Coimbatore Corporation as well as Tiruppur Corporation, the sanitary workers are getting a minimum wages of Rs.721/- per day and similar relief has been denied for the second respondent herein, who are paid only a sum of Rs.424/- per day.

3. Considering the facts and circumstances of the case and also, having regard to the submissions made by the learned counsel on either side, as an interim measure to the sanitary workers who are working in the respondent corporation, this Court issues the following directions:

(i) The respondent corporation is directed to pay a consolidated sum of Rs.500/- (Rupees Five Hundred only) per day to the sanitary workers as daily wages, commencing from the 1st week of January 2023.

(ii) The respondent corporation shall fix the minimum wages to the sanitary workers who are working under NULM, within an outer time limit of three months from the date of receipt of a copy of this order.

4. List the matter for final disposal after three months."



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3. For the alleged non-compliance of the aforesaid order passed by this court, the writ petitioner has come up with this contempt petition.

4. Today, when the matter was taken up for consideration, the learned standing counsel appearing for the respondent authorities drew the attention of this court to the averments made in the counter affidavit and submitted that pursuant to the order of this court, a Circular in S.W.M.C.No.A6/3824/2022 dated 24.01.2023 came to be issued to all the Zones in Greater Chennai Corporation to pay a consolidated sum of Rs.500/- per day to the sanitary workers as daily wages, who are working in the NULM in Greater Chennai Corporation with effect from 1st week of January, 2023; and that, based on the same, the Zonal Officer, Zone-VII issued a proceedings dated 18.05.2023 to pay a consolidated sum of Rs.500/- per day to the 1457 sanitary workers as daily wages, who are working in the NULM in Greater Chennai Corporation with effect from 1st week of January, 2023 to April 2023. It is also submitted that superseding the earlier G.O.(2D) No. 62, Labour Welfare and Skill Development (J1) Department, dated 11.10.2017, the Government issued G.O.(2D) No.36, Labour Welfare and Skill Development (J1) Department, dated 16.06.2023 for the revision of minimum wages to Rs.687/- as daily wages to all category of workers including NULM workers, with effect from 05.07.2023; and that, circular dated 10.08.2023 with instructions to implement the said G.O., was also issued to all the zones Greater Chennai



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Corporation. Thus, according to the learned counsel, the order of this court dated 22.12.2022 has been complied with by the respondent authorities.

5. In view of the subsequent development as stated above, this contempt petition stands closed, leaving it open to the petitioner to move the bench having roster to deal with writ appeal, if there is any violation in implementing the orders so passed by the respondent authorities.

[R.M.D., J.] [J.S.N.P., J.]
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Index: Yes / No.

Speaking order/ Non-speaking order

Neutral Citation: Yes / No.



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