



WEB COPY



WP.No.24797 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.24797 of 2021

1.K.Ganesan
2.P.Chellamuthu
3.G.Elango
4.P.Veeramalai
5.P.Kandasamy
6.M.Dhanapal
7.T.Sekar

...

Petitioners

Vs.

1. The Salem District Co-op.Milk Producers-,
Union Ltd., E.D.912,
represented by its General Manager,
Sithanur, Thalavaipatti Post,
Salem-636 302.

2. The Commissioner for Milk Production
and Diary Development,
36-A, Pasumpon Muthuramalinga Thevar Road,
Nandanam Extension, 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



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS directing the Respondents herein to grant to 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 has been requested by the Petitioners 1 to 6 in their representation dated 13.09.2021 and 7th Petitioner's representation dated 05.09.2021 within a time frame and pass such other order or direction as this Court may deem and proper in the circumstances of the case.

For Petitioner : Mr.K.M.Ramesh, senior counsel
for Mr.V.Subramani
For Respondents : Mr.L.S.N.Hasanfızal for R1
: Mr.T.Chezhiyan
Additional Government Pleader for R3

ORDER

This Writ Petition has been filed for seeking a direction against the respondents to grant the revised time scale of pay of Rs.750/- from 28.05.1993 and Rs.2550 - 55 - 2660 - 60 - 3200 per month plus allowances to the petitioners with effect from 01.02.1996 and consequently pay all arrears of pay due to them upon such pay re-fixation as has been requested by the Petitioners 1 to 6 in their representation dated 13.09.2021 and 7th Petitioner's representation dated 05.09.2021 within a time frame.



WEB COPY

2.The petitioners joined 1st Respondent Management in 1985 and have been working as casual labour since then. After 480 days of continuous service, some petitioners approached the Joint Director (Labour) for regularisation, which was complied with by 1st Respondent. After several years, they were regularised as Junior Mazdoor in 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.

3.Heard, Mr.K.M.Ramesh, learned senior counsel for Mr.V.Subramani, learned counsel for the petitioners and Mr.L.S.N.Hasanfizal, learned counsel for the first respondent and Mr.T.Chezhiyan, learned Additional Government Pleader for the third respondent and perused the materials available on record.

4. When a similarly placed person has filed Writ 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:-



WEB COPY

"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 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."



WP.No.24797 of 2021

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 7th 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.

08.02.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs

To

1. The Salem District Co-op.Milk Producers-,
Union Ltd., E.D.912,
represented by its General Manager,
Sithanur, Thalavaipatti Post,
Salem-636 302.
2. The Commissioner for Milk Production
and Diary Development,
36-A, Pasumpon Muthuramalinga Thevar Road,
Nandanam Extension, Nandanam,
Chennai-600 035.

5/7



WEB COPY



WP.No.24797 of 2021



WEB COPY



WP.No.24797 of 2021

R.N.MANJULA, J.
jrs

3. The Secretary to Government,
Dairying, Animal Husbandry, Fisheries Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

W.P No.24797 of 2021
and
WMP.No.25424 of 2021

08.02.2024