



W.P.Nos.1783 and 7760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.1783 and 7760 of 2022

W.P.No.1783 of 2022:-

1. K.Mahalingam
2. M.Balasubramaniam
3. M.Manoharan
4. P.Duraisamy
5. V.Perumal

...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



W.P.Nos.1783 and 7760 of 2022

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of 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 5 in their representation dated 23.08.2021 within a time frame.

W.P.No.7760 of 2022:-

1. T.K.Rajendran
2. M.Kumar
3. S.Jayakumar
4. S.Sakthivel
5. P.Sellamuthu
6. S.Shanmugam
7. V.Murugesan
8. M.Baskar
9. P.Thiagarajan
10. V.Kaliappan

...Petitioners

-Vs-

1. Government of Tamil Nadu,
represented by the Secretary to Government,
Dairying, Animal Husbandry, Fisheries Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Commissioner for Milk Production
and Diary Development,
36-A, Pasumpon Muthuramalinga Thevar Road,



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Nandanam Extension, Nandanam,
Chennai-600 035.

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

4. The Namakkal District Co.op. Milk Producers'
Union Ltd.,
1/1167, Paramathi Road, E.B.Colony,
Namakkal-637 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents herein to grant to the first Petitioner revised time scale of Rs.2550- 55 - 2660 - 60 – 3200 per month plus allowances with effect from 01.02.1996; revised time scale of pay to the second petitioner from 11.04.1997 onwards; and revised time scale of pay petitioners 3 to 6, 8 to 10 from 28.05.1993 onwards; revised time scale of pay to 7th Petitioner with effect from 15.03.1996 and consequently pay to all the petitioners arrears of pay due to them upon such pay re-fixation as has been requested by the Petitioners in their representation dated 15.02.2022 within a time frame.

In Both W.Ps

For Petitioners	: Mr.V.Subramani
For R1 and R2	: Mr.U.Baranidharan Additional Government Pleader
For R3	: Mr.S.Arumugam Government Advocate



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COMMON ORDER

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W.P.No.1783 of 2022 has been filed for a direction 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 5 in their representation dated 23.08.2021 within a time frame.

2. W.P.No.7760 of 2022 has been filed for a direction directing the Respondents herein to grant to the first Petitioner revised time scale of Rs.2550- 55 - 2660 - 60 – 3200 per month plus allowances with effect from 01.02.1996; revised time scale of pay to the second petitioner from 11.04.1997 onwards; and revised time scale of pay petitioners 3 to 6, 8 to 10 from 28.05.1993 onwards; revised time scale of pay to 7th Petitioner with effect from 15.03.1996 and consequently pay to all the petitioners arrears of pay due to them upon such pay re-fixation as has been requested by the Petitioners in their representation dated 15.02.2022 within a time frame.



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3. Heard the learned counsel on either side and perused the materials available on record.

4. The petitioners were engaged as casual labourers and they were working continuously without any pay. They were sponsored through employment exchange for their appointment. Their services were regularized as Junior Mazdoors. By the proceedings dated 22.04.2005, the second respondent recommended for elevation of eligible Junior Mazdoors to Senior Mazdoors. The first respondent convened a Personnel Committee on 08.08.2005 and resolved to create 156 supernumerary posts of Junior Mazdoors as per G.O.Ms.No.147 of A.H and Fish.(MP.II) Department, dated 18.09.2000 and as per the proceedings of the second respondent dated 22.04.2005, 90 Junior Mazdoors who are working in approved cadre strength shall be placed in the time scale of Rs.2550 - 55 - 2660 - 60 - 3200 per month including allowances provided they fulfill the eligible conditions. However, out of 90 Junior Mazdoors, 28 persons had gone to Court and the case is pending with regard to fixation of their



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pay. Only after finalization, the issues will be settled. However, the persons who were given benefit of time scale with effect from 01.04.2005 are all juniors to the petitioners herein.

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



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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



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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.

8. In view of the above, these writ petitions are allowed. There shall be no order as to costs.

03.01.2024
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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The General Manager,
The Salem District Co-op.Milk Producers',
Union Ltd., E.D.912,
Sithanur, Thalavaipatti Post,
Salem-636 302.
2. The Commissioner for Milk Production
and Diary Development,
36-A, Pasumpon Muthuramalinga Thevar Road,
Nandanam Extension, Nandanam,
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G.K.ILANTHIRAIYAN. J.

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