



W.P.(MD).No.12921 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12921 of 2024

1.R.Amirthavalli

2.Devi

3.Kalai Selvi

4.Kanjammal

5.Krishnammal

6.Lakshmi

7.Mala

8.Malliga

9.Nagalakshmi

10.Paapa

11.Vigneshwari

...Petitioners

Vs



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1.The State of Tamil Nadu,

Represented by,

The Principal Secretary,

Municipal Administration and Water Supply Department,

State of Tamil Nadu,

Secretariat,

Fort St.George,

Chennai – 600 009.

2.The State of Tamil Nadu,

Represented by,

The Principal Secretary,

Revenue Department,

State of Tamil Nadu,

Secretariat,

Fort St.George,

Chennai – 600 009.

3.The Commissioner,

Madurai Corporation,

Arignar Anna Maaligai,

Thallakulam,

Madurai – 625 002.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioners as permanent employee in the post of Sanitary workers with all attendant monetary and service benefits by considering the petitioner's representation dated 22.04.2024 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumani
For R-1 and R-2 : Mr.M.Lingadurai
Special Government Pleader
For R-3 : Mr.S.Vinayak

ORDER

Heard Mr.R.Alagumani, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 and 2 and Mr.S.Vinayak, learned counsel for the 3rd respondent.

2. The petitioners who have ben working as Sanitary Workers since 03.02.2008, for the past 14 years in the Madurai Corporation, has filed this Writ Petition seeking direction against the respondents to regularize their service as permanent employee in the post of Sanitary workers with all attendant monetary and service benefits by considering their representation dated 22.04.2024.



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3. The petitioners relied on the earlier judgment rendered by this Court in W.P.(MD).No.24081 of 2018 dated 31.01.2019, where the salary of similarly placed persons have been ordered to be raised on par with the permanent employees who are also discharging the same kind of functions. The operative portion of the order dated 31.01.2019 in W.P.(MD)No.24081 of 2018 would read as under:

“28. We issue the following directions:

(1) We direct the State of Tamil Nadu to follow strictly the law laid down by the Hon'ble Supreme Court in State of Punjab and others vs. Jagjit Singh and Others [2017(1) SCC 148] and Sabha Shanker Dube vs. Divisional Forest Officer and others [2018(14) Scale 765] that daily wage employees, casual and contract employees are entitled to draw wages at the minimum of the pay scales, which are applicable to the similarly placed regular employees.

(2) In order to comply with the law laid down by the Hon'ble Supreme Court by upholding the principle 'equal pay for equal work',

(a) We direct the Public Works Department to pay wages to the NMRs, daily wage employees, temporary employees and casual workers at the minimum of the pay



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scale, which are applicable to the regular employees holding the same post across the State.

(b) The Public Works Department is directed to pay the salary of sweepers employed by the High Court and the State viz., Rs.18,843/- to the NMRs both civil and electrical including radio section/wing across the State with effect from 01 February, 2019. In short, the NMRs, daily rated, casual and temporary workers across the State must be paid Rs.18,843/- per month as wages, which is the present salary of a sweeper/scavenger in the State Government service and the High Court service.

(c) We direct the first respondent to issue a Government order on or before 22 February, 2019 sanctioning the minimum scale of pay to the NMRs irrespective of classification, daily wage employees and casual workers across the State, which should be the pay scale of the sweeper/scavenger in Government/High Court service.

(d) We direct the fourth respondent to issue a Government Order prescribing the wage structure of temporary/casual/daily wage employees of all the Corporations, Municipalities and Panchayats across the State, taking into account the pay scale of regular employees under the respective Local Body, by 22 February, 2019.



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(e) *We direct the State to dispense with the present practice of engaging NMRs through Contractors. The Public Works Department must maintain a register containing the names of NMR, casual, temporary and daily wage employees.*

(f) *The salary shall be credited by RTGS/ECS in the respective account of the NMR/casual/temporary/daily wage employees.*

(g) *The Government must introduce Bio-metric system for recording the attendance of NMRs and other daily rated/temporary workers across the State as expeditiously as possible. Insofar as the High Court Bench at Madurai is concerned, Bio-metric system shall be introduced with effect from 01 April, 2019.*

(h) *We direct the State to establish a full-fledged 24x7 dispensary/hospital inside the Campus of the High Court Bench at Madurai. The building for the Hospital should be constructed in such a way that even the local people must be in a position to avail the medical facilities from the said hospital. We direct the respondent No.15 to pass appropriate orders in the matter on or before 22 February, 2019.*

(i) *We direct the State to establish a separate wing for the maintenance of the High Court Bench at Madurai under an Executive Engineer, whose office must be constructed and located inside the Campus.*



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(j) We direct the Engineer-in-Chief, Public Works Department, to approve the proposal dated 14 December, 2018 submitted by the Public Works Department, Madurai, for changing the head of account as "Judges Bungalow wages" on or before 22 February, 2019.

4. The petitioners are continued to be given with Rs.18,000/- on par with the permanent employees. In pursuant to that, the petitioners have also be given with the regular pay on par with the regular employees. Now the petitioner has filed this Writ Petition seeking regularization of their services. The learned counsel for the petitioner submitted that the petitioner has been working for more than 10 years, but so far their services have not been regularized as that of other similarly placed persons whose services has been regularized in some other Department pursuant to G.O.Ms.No.22, (P & AR) Department dated 28.02.2006.

5. Insofar as these petitioners are concerned, the Government has not passed any Government Order and placed any scheme. Similarly placed NMRs have already filed Writ Petition in W.P.(MD).No.8005 of



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2024, wherein this Court has passed the following order dated

02.04.2024 to consider their representation and the relevant part of the

order is extracted hereunder:

“3. Mr.N.Dilip Kumar, learned counsel for the petitioners submitted that the petitioners have been working for more than 10 years and their services ought to be regularized. He further submitted that several other similarly placed casual labours/NMRs have got their services regularized by virtue of various Government Orders passed in this regard from time to time. One such instance was shown by citing the Government Order in G.O(Ms)No.22, (P&AR) Department, dated 28.02.2006. However, the respondents have not passed any similar Government Order or framed any scheme in respect of the petitioners who had rendered services for more than decades.

4. Since the petitioners had given representation and the same has not been considered so far, the respondents are directed to consider the same in the light of the earlier such instances where the Government had taken a policy decision and had issued suitable Government orders and pass appropriate orders in accordance with law and on its own merits within a period of twelve weeks from the date of receipt of a copy of this order.



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5. *With the above direction, this Writ Petition is disposed of. No costs.*”

6. Since the petitioners are also similarly placed and had given representation of similar nature, the respondents are directed to consider the representation of the petitioners and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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- 1.The Principal Secretary,
Municipal Administration and Water Supply Department,
State of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary,
Revenue Department,
State of Tamil Nadu,
Secretariat,
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- 3.The Commissioner,
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R.N.MANJULA, J.

Nsr

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