



W.P.(MD) No.15441 of 2020 and batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON : 23.02.2024

ORDERS PRONOUNCED ON : 26.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.15441, 15443, 15450, 15452 and 15454 of 2020

W.P.(MD) Nos.15441, 15443, 15450 and 15452 of 2020:

V.Badrinath ... Petitioner
in W.P.(MD) No.15441/2020

V.Rajendran ... Petitioner
in W.P.(MD) No.15443/2020

P.Savariraj ... Petitioner
in W.P.(MD) No.15450/2020

R.Thangamariappan ... Petitioner
in W.P.(MD) No.15452/2020

Vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamaraj Salai,
Chepauk, Chennai-5.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,



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Eswari Nagar, Medical College Road,
Thanjavur.

3.The Superintendent Engineer,
Tamil Nadu Water Supply and Drainage Board,
Trichy-Pudukottai-Ariyalur-Perambalur Circle,
J.K.Nagar, Kajamalai Post,
Trichy-23.

4.The Executive Engineer,
Maintenance Division,
Tamil Nadu Water Supply and Drainage Board,
Trichy. ... Respondents

W.P.(MD) No.15454 of 2020:

K.Vivekanandan ... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamaraj Salai,
Chepauk, Chennai-5.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Eswari Nagar, Medical College Road,
Thanjavur.

3.The Superintendent Engineer,
Tamil Nadu Water Supply and Drainage Board,
Thanjavur Circle,
North Street, Ganapathi Nagar,
Thanjavur.



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4. The Executive Engineer,
Project Division,
Tamil Nadu Water Supply and Drainage Board,
North Street, Ganapathi Nagar,
Thanjavur.

... Respondents

Prayer in all W.Ps.: Petitions filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondent Board to extend the benefit of the award of the Labour Court in I.D.No.147 of 1993 on the file of the Labour Court, Tirunelveli and to refix the scale of pay as per the award and to pay all other monetary benefits in accordance with the petitioners' final representation dated 21.09.2020.

In all W.Ps.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.Isaac Mohanlal
Senior Counsel
assisted by
Mr.Vijay Karthikeyan

COMMON ORDER

The point that arise for consideration and the relief sought in all these batch of writ petitions is identical and as such all the matters were heard together and are being disposed of by this common order.



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2. All the petitioners herein were initially appointed as Helpers in or around the year 1986 in the time scale of pay of Rs.505-10-555-15 in the respondent-Board and their services were also regularised. They were appointed with the qualification of SSLC pass plus ITI. The respondent-Board through B.P.Ms.No.547, dated 04.12.1997, re-designated the post of Helper as Mechanic Grade-III and the pay was revised to Rs.950-1500 from the date of their initial appointment as Helper. Subsequently, the said post of Mechanic Grade-III was further re-designated as Mechanic Grade-II with effect from 24.11.1986, i.e., the date of their initial appointment as Helper. Accordingly, the entire services of the petitioners right from the date of their initial appointment as Helper was also taken into consideration for the purpose of Selection Grade, Special Grade, etc.

3. While things stood thus, the Government of Tamil Nadu issued G.O.Ms.No.762, Finance (Pay Cell) Department, dated 26th August, 1986 for revision of scale of pay for certain categories in Public Works Department with reference to qualification such as SSLC passed plus ITI and SSLC failed plus ITI as Group-I and Group-II categories respectively



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duly providing ordinary scale and Selection Grade scale. The said Government Order was adopted by the respondent-Board in its proceedings in B.P.Ms.No.505, dated 12.12.1986 extending the benefit of revision of pay scale in terms of the Government Order issued in G.O.Ms.No.762, dated 26.08.1986. Though the said Government Order was adopted and made applicable to various categories in the respondent-Board, the same was not given effect to and pay of the concerned employees was not revised. Under those circumstances, the employees of Mechanical Circle, Tirunelveli through their Union viz., CITU filed I.D.No.147 of 1993 before the Labour Court, Tirunelveli for fixing scale of pay for certain trade positions in terms of the above referred Government Order read with the Board Proceedings referred to above and the said industrial dispute was allowed by the learned Labour Court by passing an award dated 07.11.1996 directing for fixation of pay for certain posts including the post of Helper. The said award was passed in general directing implementation of the Government Order issued in G.O.Ms.No.762, dated 26.08.1986 read with the Board Proceedings dated 12.12.1986.



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4. However, the said benefit was not extended to all the employees, who are eligible for such pay fixation. Under those circumstances, some of the employees of the respondent-Board approached this Court by filing W.P. (MD) No.8266 of 2010 and batch and a learned Single Judge of this Court, having considered the claim of the petitioners therein, by an order dated 31.10.2019, allowed the writ petitions. The relevant paragraphs from the said decision read as under:

“3.Even thereafter, the petitioners who are working as Helpers were not given the benefit of Revision of pay scale in tune with G.O.Ms.No.762, dated 26.08.1986 or as per the order of Labour Court in I.D.No.147 of 1993. Therefore, some of the persons who were working as Drillers and who are entitled to get pay scale at Rs.705-1230 in the Ordinary Grade and Rs. 780-1385 in the Selection Grade as per the award in I.D.No.147 of 1993 and others filed a writ petition to quash the order of respondent, dated 02.08.2011, rejecting the claim of petitioners therein to revise the salary in tune with the Labour Court award in I.D.No. 147 of 1993. The said writ petition was allowed specifically holding that the benefit given as per I.D.No.



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147 of 1993 should be extended to all. Though on appeal by the respondent the order of learned single Judge in the writ petition was set aside, the petitioners in the earlier writ petitions filed a Review and the Review was allowed accepting the case of petitioners stating that the petitioners therein are similarly placed persons like all the members of the petitioners' association in I.D.No. 147 of 1993, and the respondent should extend the benefit to the petitioners therein.

4.It is also pointed out by the counsels appearing on behalf of the petitioners that the respondent has passed orders extended the benefit of G.O.Ms.No.762, dated 26.08.1986 to several individuals. The counsels appearing for the petitioner referred to the proceedings of the Executive Engineer, TWAD Board extending the benefit to one Thiru K.Radhakrishnan, who was working as Assistant Driller (formerly Helper) with S.S.L.C qualification (Pass) and possessing with I.T.I. Certificate. The pay for said individual was revised in tune with G.O.Ms.No.762, dated 26.08.1986. Similarly another individual by name V.Suresh Babu was also working as an Assistant Driller with a qualification S.S.L.C. Pass and I.T.I. Certificate was refixed in the



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time scale of pay of Rs.610-780 w.e.f. 18.06.1986. Similar order was passed in the case of three other individuals by order, dated 22.01.2010. Since the respondents have allowed similar claims for different individual, it is contended by the learned counsel for the petitioner that there is discrimination and the impugned orders in some of the writ petitions rejecting the claim of petitioners for revision of pay in tune with G.O.Ms.No. 762, is Arbitrary and unconstitutional.

5.The learned counsel appearing for the petitioner submitted that this Court has held in similar writ petitions, that the award of Labour Court in I.D.No.147 of 1993 extending the benefit of G.O.Ms.No.762, dated 26.08.1986 is applicable to all similarly placed persons as the Industrial Dispute was raised by the union on behalf of the workers, whose entitlement is accepted by the Labour Court.

6.It is seen that the issue that was framed by the Labour Court was whether the pay scale fixed by the Tamilnadu Water and Drainage Board for Helper, Re-winder, Assistant Re-winder, Driller, Assistant Driller are contrary to the Board proceedings vide 505, dated 12.12.1986 is justified. It is seen that the proceedings



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vide B.P.Ms.No.505, dated 12.12.1986 is yet another order extending benefit of G.O.Ms.No.762, to some of the categories of the employees.

7.The prime contention of the respondent in this case is that the petitioners are not entitled to the benefit of G.O.Ms.No.762 by referring to the Annexure to G.O.Ms.No.762. The learned counsel for the respondent would submit that Helper is not a post which was identified to confer the benefit of G.O.Ms.No.762. It is further stated that the petitioners herein are all appointed in the post of Helper which was later re-designated as Assistant Driller. Since the post of Helper or Assistant Driller was not specified in the Government Order, it was suggested that the petitioners are not entitled to the benefit of G.O.Ms.No.762. Though the counsel for the respondent submitted that the award of Labour Court in I.D.No.147 of 1993 cannot be applied to the case of petitioners who are not parties therein, in view of the pronouncement of order by this Court in W.P.(MD).No.6033 of 2012, dated 29.11.2016, which was confirmed later by a Division Bench of this Court in Review Application No.137 of 2019, dated 18.09.2019, the contention of the respondent cannot be accepted.



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Though the learned counsel for respondent would rely upon a judgment of Division Bench of this Court in a batch of writ petitions in W.P.(MD).No.15798 to 15800 of 2010, dated 17.10.2012, this Court is unable to follow the same as a precedent as it was held by the Division Bench that the decision in I.D.No.147 of 1993 cannot be applied to the case of petitioners therein as they are not parties to the Industrial Dispute. The Bench has not considered the fact that the Industrial Dispute was raised by the union on behalf of the workers who are similarly placed. It is also to be seen that the writ petitions were dismissed mainly on the ground that the petitioners therein who claimed the benefits of subsequent board proceedings dated 04.12.1997 is not entitled to the benefit of G.O.Ms.No.762 or Board proceedings B.P.Ms.No.505, dated 12.12.1986. The reading of judgment of Division Bench appears to be one ignoring the factual issues and the legal implications of the award of Labour Court in I.D.No.147 of 1993. Hence, this Court is unable to accept the contention of the respondent to consider the same as a precedent to be applicable in individual cases dealt with in this batch.



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8.Considering the decisions of respondent in several individual cases extending the benefit of G.O.Ms.No.762, dated 26.08.1986 following the order of Labour Court and the Board Proceedings and the judgment of this Court in several other cases, this Court has no hesitation to allow all these writ petitions.

9.As a result, these writ petitions are allowed. The orders of respondents impugned in the writ petitions are set aside. The respondents are directed to re-fix the scale of pay as Rs.610 w.e.f. 21.11.1986 and by implementing the proceedings of the first respondent, dated 12.12.1986 in B.P.Ms.No. 505 and to refix the scale of pay as per the award passed in I.D.No.147 of 1993, dated 07.11.1996 and to pay all other monetary benefits which are applicable to the petitioner by virtue of revision of pay within the period of 12 weeks from the date of receipt of the copy of this order.”

5. The said order of the learned Single Judge was also implemented by the respondents by issuing Proceedings No.9641/F.Pay Fixation/EA/2020/.Maint.Dn.Try. dated 20th August, 2020. The petitioners herein in these batch of writ petitions, having come to know about the order



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passed by this Court in W.P.(MD) No.8266 of 2010 and the consequential proceedings issued by the respondent-Board, submitted individual representations dated 01.09.2020 and 21.09.2020 requesting for extending the similar benefit to them in terms of the award passed in I.D.No.147 of 1993, dated 07.11.1996. Complaining inaction on the part of the respondents in considering the said representations dated 01.09.2020 and 21.09.2020, the petitioners approached this Court by filing these writ petitions.

6. The respondents filed a counter affidavit raising various contentions mainly on the ground that the writ petitions are liable to be dismissed on the ground of delay and laches and also on the ground that the petitioners ceased to hold the post of Helper and their posts were re-designated as Mechanic Grade-III initially and thereafter as Mechanic Grade-II and their pay was accordingly revised and they have been drawing the higher pay than the post of Helper and also on the ground that the post of Mechanic Grade-II is not one such post covered by the award passed in I.D.No.147 of 1993 and therefore, the petitioners are not entitled for the



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relief as sought for in the writ petitions.

7. Heard Sri M.P.Senthil, learned counsel for the petitioners and Sri Isaac Mohanlal, learned Senior Counsel assisted by Sri B.Vijay Karthikeyan, learned counsel appearing on behalf of the respondents and perused the entire material available on record.

8. Learned counsel for the petitioners contended that the petitioners are similarly situated like the petitioners in W.P.(MD) No.8266 of 2010 and batch and they are also equally entitled for extending the benefit of G.O.Ms.No.762, dated 26.08.1986 and B.P.Ms.No.505, dated 12.12.1986 as well as the award passed in I.D.No.147 of 1993, dated 07.11.1996. It is also further contended that by virtue of the award dated 07.11.1996, the respondents are under obligation to implement the revised pay scale to all the similarly situated persons, but the respondent-Board acted in an arbitrary manner extending the benefit to few of the employees who approached the Court and has not implemented the same to the rest, thereby treating the petitioners in a discriminatory manner. Thus, he contended that the



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petitioners are entitled for re-fixation of pay in terms of the above Government Order and the award dated 07.11.1996 passed in I.D.No.147 of 1993 and also for arrears of pay. He also placed reliance on various decisions in *State of Uttar Pradesh and Others vs. Arvind Kumar Srivastava and Others* reported in (2015) 1 SCC 347; *Rushibhai Jagdishbhai Pathak vs. Bhavnagar Municipal Corporation* reported in 2022 SCC OnLine SC 641; *K.Palanivel vs. The Chairman and Managing Director, TANGEDCO* reported in 2016 (2) CWC 500; and *Mehmooda and Others vs. State of J and K* reported in 2023 SCC OnLine J&K 1296.

9. Sri Isaac Mohanlal, learned Senior Counsel appearing for the respondents fairly conceded that though the respondents have raised various contentions in the Courts contending that the petitioners are not entitled for extending the benefit under the Government Order in G.O.Ms.No.762, dated 26.08.1986 and the award dated 07.11.1996 in I.D.No.147 of 1993 on various grounds including the ground that the post of Helper was re-designated as Mechanic Grade-II right from the date of appointment of the respective petitioner and their pay was accordingly revised and therefore,



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they are not entitled for the benefit of the Government Order referred to above and also on the ground that the post of Mechanic Grade-II is not one of the categories that is covered by the award passed in I.D.No.147 of 1993, the petitioners herein are similarly placed like the petitioners in W.P.(MD) No.8266 of 2010 and batch. However, the learned Senior Counsel further contended that the petitioners have not chosen to agitate their rights at the relevant point of time along with the petitioners in W.P.(MD) No.8266 of 2010 and batch and as such, the claim of the petitioners suffers from the vice of delay and laches and the writ petitions are liable to be dismissed on this ground alone.

10. As an alternative submission, the learned Senior Counsel also submitted that even if the petitioners are also held to be entitled for extension of the benefit that was granted in favour of the petitioners in W.P. (MD) No.8266 of 2010 and batch, their claim for arrears of pay is liable to be restricted at least for three years prior to the date of filing of the writ petition and they shall be held to be not entitled to arrears prior to that period. In support of his contention, he placed reliance on various decisions



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of the Hon'ble Apex Court in ***State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and Others*** reported in (2015) 1 SCC 347; ***Union of India and others vs. Tarsem Singh*** reported in (2008) 8 SCC 648; ***Chairman/Managing Director, U.P.Power Corporation Ltd. and others vs. Ram Gopal*** reported in 2020 1 Supreme 707; and ***Rushibhai Jagdishbhai Pathak vs. Bhavnagar Municipal corporation*** reported in 2022 5 JT 470.

11. Learned counsel on either side placed reliance on the decision of the Hon'ble Apex Court in the case of ***State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and Others*** reported in (2015) 1 SCC 347, though on different paragraphs. Paragraph No.22 of the said decision is extracted hereinunder:

“22. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:

22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by



extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.



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22.3. *However, this exception may not apply in those cases where the judgment pronounced by the court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated persons. Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma v. Union of India [K.C. Sharma v. Union of India, (1997) 6 SCC 721 : 1998 SCC (L&S) 226]). On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”*

12. Learned counsel for the petitioners placed reliance on Paragraph No.22.1 above. The conclusion arrived at in Paragraph No.22.1 was



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subjected to the observations made in Paragraph No.22.2 by the Hon'ble Apex Court, wherein the Hon'ble Apex Court has taken note of the well recognised exceptions in the form of laches and delay as well as acquiescence. Therefore, though there is no dispute that in service law jurisprudence, all the persons similarly situated are required to be extended with the similar benefits by the employer, when such benefit was not extended, the aggrieved party is required to agitate its rights without any delay and in case, if there is any abnormal delay and laches, the same would definitely defeat the right of the concerned aggrieved party. In the said decision, the Hon'ble Apex Court, having reviewed the entire case law, declined to grant the relief of appointment, as the petitioners in the said decision approached the Court for the first time after a lapse of 9 years, that too, after having come to know about the relief granted by the Courts to the similarly situated persons.

13. In the decisions in ***K.Palanivel*** (*supra*) and ***Mehmooda*** (*supra*), it was held that all the employees similarly situated are entitled for extension of all benefits irrespective of the fact whether they approached the Court of



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law or obtained similar orders or not. There is no dispute on the said proposition. However, as observed by the Hon'ble Apex Court in the case of **Arvind Kumar Srivastava** (*supra*), the same is subject to certain limitations.

14. In the case of **Rushibhai Jagdishbhai Pathak** (*supra*), relied upon by the learned counsel for the petitioners as well as by the learned Senior Counsel appearing for the respondents, the Hon'ble Apex Court having taken note of the case of **Arvind Kumar Srivastava** (*supra*), rejected the claim of the petitioners therein for payment of arrears of pay from the year 2010, but confined the same for three years prior to the date of filing of the writ petition and directed the same to be paid together with interest @ 7%.

15. In yet another decision in **Ram Gopal** (*supra*), the Hon'ble Apex Court also considered the aspect of inordinate delay in filing the writ petition and having taken note of the case of **Arvind Kumar Srivastava** (*supra*), and **SS Balu vs. State of Kerala** reported in (2009) 2 SCC 479, declined to grant relief on the ground of laches. The relevant paragraphs 16 and 17 of the said decision read as under:



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“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and the writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In S.S. Balu v. State of Kerala [S.S. Balu v. State of Kerala, (2009) 2 SCC 479 : (2009) 1 SCC (L&S) 388] , this Court observed thus : (SCC p. 485, para 17)

“17. It is also well-settled principle of law that “delay defeats equity”. ... It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other.



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candidates who obtain the benefit of the judgment.

(emphasis supplied)

17. Similarly, in *Vijay Kumar Kaul v. Union of India* [*Vijay Kumar Kaul v. Union of India*, (2012) 7 SCC 610 : (2012) 2 SCC (L&S) 491] this Court while considering the claim of candidates who, despite being higher in merit, exercised their right to parity much after those who were though lower in merit but were diligently agitating their rights, this Court observed that : (SCC pp. 617-18, para 27)

“27. ... It becomes an obligation to take into consideration the balance of justice or injustice in entertaining the petition or declining it on the ground of delay and laches. It is a matter of great significance that at one point of time equity that existed in favour of one melts into total insignificance and paves the path of extinction with the passage of time.”

16. Similarly, in the case of ***Tarsem Singh*** (*supra*), the Hon'ble Apex Court having considered the aspect of delay and the claim for arrears of pay for 16 years, granted the arrears only for a period of three years prior to the date of writ petition. Paragraph No.8 of the said decision reads as under:



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“8. In this case, the delay of sixteen years would affect the consequential claim for arrears. The High Court was not justified in directing payment of arrears relating to sixteen years, and that too with interest. It ought to have restricted the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser. It ought not to have granted interest on arrears in such circumstances.”

17. As already noted above, the petitioners filed these writ petitions seeking Writ of Mandamus directing the respondent-Board to extend the benefit of the award in I.D.No.147 of 1993, seeking the benefit of the said award passed on 07.11.1996. The petitioners for the first time approached the respondent-Board on 01.09.2020, i.e., after a lapse of 24 years. Even assuming that the petitioners are entitled for the benefit of the said award, whether the petitioners are entitled to seek implementation of the said award after a lapse of 24 years is doubtful. Though there is no specific period of limitation prescribed under the provisions of the Limitation Act, for



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execution/enforcement of an award passed by the Labour Court or Industrial Tribunal, Courts have held that any such award is equivalent to a decree passed by a civil Court and the period of limitation prescribed for execution of a decree passed by the civil Court would equally apply to the award passed by the Labour Court/Industrial Tribunal under Article 136 of the Limitation Act. The very same issue has fallen for consideration before the Delhi High Court and in the said decision in **AIROnLine 2019 Delhi 1643⁽¹⁾** it was held that the limitation of 12 years prescribed under Article 136 of the Limitation Act would apply to the award passed by the Labour Court/Industrial Tribunal. The same is executable within the said time.

18. Be that as it may, the basis for passing the said award by the Labour Court are the Government Order issued in G.O.Ms.No.762, dated 26.08.1986 read with B.P.Ms.No.505, dated 12.12.1986. The said Government Order and the said Board Proceedings are still in force and holding the field. Therefore, even in the absence of the award passed by the Labour Court also, the claim of the petitioners for extending the benefit

(1) Airports Authority of India vs. Yashpal Singh Tanwar



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under the said orders cannot be denied.

19. As already noted above, the learned Senior Counsel for the respondents has conceded about the entitlement of the petitioners herein for extending the benefits under the said Government Order and for revision of their pay, but contested the writ petitions only on the ground of delay and laches. It is settled law that the claims relating to salary, revision of pay scales, etc., would give rise to cause of action on month to month basis and will give continuous cause of action and the same cannot be said to be time barred by length of time for which no claim was made by the petitioners.

20. In the light of the various decisions referred to above, relied upon by the learned counsel on either side, the only irresistible conclusion that could be arrived at is that the claim of the petitioners for revision of their pay scales and payment of arrears cannot be thrown out on the ground of delay and laches, but the same is required to be restricted to the period that comes within the period of limitation.



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21. By following the decisions of the Hon'ble Apex Court in the case of *Union of India and others vs. Tarsem Singh* reported in **(2008) 8 SCC 648** and *Rushibhai Jagdishbhai Pathak vs. Bhavnagar Municipal corporation* reported in **2022 SCC OnLine SC 641**, wherein the claim of the employees therein was restricted to three years prior to the date of filing of the writ petition, these Writ Petitions are also allowed holding that the petitioners are entitled for revision of pay in terms of the Government Order in G.O.Ms.No.762, dated 26.08.1986 read with the Board Proceedings in B.P.Ms.No.505, dated 12.12.1986 and for fixation of their pay on par with the petitioners in W.P.(MD) No.8266 of 2010 and batch. However, they are entitled for payment of arrears only for a period of three years prior to the date of filing of the writ petition, i.e., with effect from 03.11.2017.

22. Accordingly, the respondents are directed to revise the pay of the petitioners in terms of the Government Order in G.O.Ms.No.762, dated 26.08.1986 and calculate the arrears with effect from 03.11.2017 payable to them and pay the same together with interest at the rate of 6% as



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expeditiously as possible, at any rate, within a period of 12 weeks from the date of receipt of a copy of this order

23. Accordingly, all the Writ Petitions are allowed to the extent indicated above. No costs.

26.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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**Pre-delivery Order made in
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