



W.P(MD)Nos.19241 of 2022 and 9215 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.06.2024
Pronounced on : 24.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P(MD)Nos.19241 of 2022 and 9215 of 2021

W.P(MD)No.19241 of 2022:

- 1.S.Pitchiah
- 2.E.Esakki
- 3.Senthilvel
- 4.S.Arumugam
- 5.G.Lakshmi
- 6.Lakshmanan
7. Chellaiah
- 8.P.Thangasamy
- 9.S.Velammal
- 10.S.Kani

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Animal Husbandry, Dairying & Fisheries (AH6) Department,
Secretariat,
Chennai-9.

Page No.1 of 11



W.P(MD)Nos.19241 of 2022 and 9215 of 2021

2.The District Live Stock Form,
Rep. by the Deputy Director of Animal Husbandry,
Abishekapatti,
Tirunelveli District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining the impugned order passed by the 1st respondent in his proceedings Letter No.2225/AH6(1)/2017-13 dated 04.12.2019 and consequential proceedings issued by the 2nd respondent in Na.Ka.No. 1192/AA2/2012-1 dated 31.01.2022 and quash the same as illegal.

W.P(MD)No.9215 of 2021:

S.Nambi

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Animal Husbandry, Dairying & Fisheries
(AH6) Department,
Secretariat,
Chennai-9.

2.The Director of Animal Husbandry and Veterinary Services,
O/o.the Director of Animal Husbandry Department,
No.571, Anna Salai,
Nandanam,
Chennai-600 035.

3.The Assistant Director,
O/o.the Assistant Director for Animal Husbandry,



W.P(MD)Nos.19241 of 2022 and 9215 of 2021

Tirunelveli.

WEB COPY

4.The Deputy Director of Animal Husbandry,
District Livestock Form,
Abishekapatti,
Tirunelveli District.

... Respondents

Prayer in W.P(MD)No.19241 of 2022 : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the impugned proceedings made in Letter No.2225/AH6(1)/2017-13 dated 04.12.2019 rejecting the claims of arrears salary from the year 1992 to 1997 by the 1st respondent which is served on the petitioner on 08.10.2020 by the 3rd respondent intimation and to quash the same as illegal and consequently directing the respondents to disburse the same and other monetary benefits accrued to the petitioner on the basis of award made by the Labour Court, Madurai in C.P.No.146 of 1987 on 31.01.1992, within the stipulated time that may be fixed by this Court.

In both petitions:

For Petitioner : Mr.S.M.Mohan Gandhi
in WP(MD)No.19241 of 2022
: Ms.K.Abiya
in WP(MD)No.9215 of 2021

For Respondents : Mr.M.Ramesh
Government Advocate



WP(MD)Nos.19241 of 2022 and 9215 of 2021

WEB COPY

COMMON ORDER

Since the issue involved in these two cases are one and the same, these writ petitions are disposed by way of this common order.

2. Heard Mr.S.M.Mohan Gandhi, learned counsel appearing for the petitioner in WP(MD)No.19241 of 2022, Ms.K.Abiya, learned counsel appearing for the petitioner in WP(MD)No.9215 of 2021 and Mr.M.Ramesh, learned Government Advocate appearing for the respondents.

3. Challenging the impugned proceedings in Letter No. 2225/AH6(1)/2017-13 dated 04.12.2019 and claiming arrears of salary from the year 1992-1997 on the basis of the award made by the Labour Court, Madurai in I.D.Nos.143 & 146 of 1987 dated 31.01.1992, these writ petitions have been filed by the petitioners.



WP(MD)Nos.19241 of 2022 and 9215 of 2021

WEB COPY

3. The petitioners were working as a daily wager in the 4th respondent office. After completing 240 days of service by the petitioner and similar others, their services were not regularised. Hence, a industrial dispute in I.D.Nos.143/1987 and 146/1987 were filed before the Labour Court, Madurai and an award was passed in the said industrial disputes on 31.01.1992 directing the 4th respondent to regularise the petitioners' services after completion of 5 years from the initial appointment. The above award was challenged by the respondents by preferring the writ petition in W.P.No.10795 of 1992 and the same was dismissed.

4. Hence, the petitioner in WP(MD)No.19241 of 2022 have filed computation petitions in C.P.Nos.188 to 233 of 1993. By award dated 26.05.1994, the Labour Court directed the authorities to pay a sum of Rs.40,410/- along with interest from the date of filing of the computation petition with 18% interest and cost of Rs.1000/-. Challenging the same, the respondents filed W.P.No.10304/1995 to 10349/1995 and the same was dismissed. However, the respondents have not been paid the said amount. Hence, the petitioners made several representations. Thereafter



WP(MD)Nos.19241 of 2022 and 9215 of 2021

government passed an order in G.O.Ms.No.183 dated 18.07.2013 bringing the petitioner along with 47 others into regular service on completion of 5 years of daily wage employees till 31.12.1991. Accordingly, the petitioner received regular time scale of pay from 07.06.1984 to 31.12.1991. But the arrears of pay for the period from 01.01.1992 till the date of his regularisation, ie., 16.06.1997 has not been paid. Hence, the petitioners filed a writ petition before this Court and vide order dated 20.10.2021 this Court has ordered to consider the representation of the petitioners. But without considering the representations, the respondents rejected the claim by the impugned letter dated 04.12.2019 and consequential proceedings dated 31.01.2022. Hence, the petitioners have challenged the impugned proceedings.

5. The petitioner in WP(MD)No.9215 of 2021 filed a computation petition in C.P.No.205/1993 seeking interest on the arrears of salary to be disbursed. The award has been passed in favour of the petitioner. The 4th respondent has challenged the said award also by filing W.P.No. 10321/1995 and the same was dismissed through a common order dated



W.P(MD)Nos.19241 of 2022 and 9215 of 2021

WEB COPY

14.09.1995. The writ appeal filed before the Division Bench also dismissed. Subsequently, the petitioner was given with regular appointment on 17.06.1997, but the arrears of pay was not settled. The Government has issued a Government Order in G.O.Ms.No.183 Animal Husbandry, Dairying and Fisheries (AH-6) Department dated 18.07.2013 to regularise the petitioner's service on completion of 5 years of service as daily wages and to grant arrears of salary to 47 persons on the date of filing of the computation petition. Accordingly, the petitioner received regular time scale of pay from 07.01.1989 to 31.12.1991. But the arrears of pay for the period from 01.01.1992 till the date of his regularisation, ie., 16.06.1997 has not been paid. The petitioner's representation in this regard has been rejected through the impugned order dated 04.12.2019. Hence, the petitioner has challenged the impugned order.

6. The only ground on which the petitioners persuade their entitlement is that in pursuant to the G.O.Ms.No.183 dated 18.07.2013, the arrears of monetary benefits have been settled for the period from 07.06.1984 to 31.12.1991 and 07.01.1989 to 31.12.1991 respectively, but



WP(MD)Nos.19241 of 2022 and 9215 of 2021

the same has not been extended to the rest of the period till the date of their regularisation.

7. Despite the petitioners have stated that they have filed industrial dispute before the Labour Court what is available before the Court is only the award passed in the claim petition. The order of any award in any earlier Industrial Dispute filed to determine the entitlement has not been produced before the Court. If for any reason the petitioners filed computation petitions and not Industrial Dispute petition and in the computation petition computation alone is done then the petitioners have to invoke the similar remedy through computation petition filed for the remaining period if it is within the period of limitation.

8. Mr.M.Ramesh, learned Government Advocate for the respondents submitted that the arrears of salary with retrospective effect from their date of completion of 5 years as daily wage employees ie., from 07.06.1984 to 31.12.1991 and 07.01.1989 to 31.12.1991 respectively, have been paid only in view of the pressurizing



WP(MD)Nos.19241 of 2022 and 9215 of 2021

circumstances arose due to the pending contempt actions before the Court. In fact, the G.O.Ms.No.183 dated 18.07.2013 is said to have been issued for a limited purpose as a special case for disbursing the amount involved in the earlier claim petitions and the resultant award passed thereon. It may be probably because the orders in the claim petition was omitted to be challenged within the specific time period.

9. The petitioners could get the arrears for the earlier period only in view of the award they could get from the Labour Court by filing a computation petition. Without an award in respect of the claim now made, the petitioners have straight away filed these writ petitions, just to challenge the impugned order.

10. The impugned order has been passed for disallowing the claim made by the petitioners as they did not have the award of the Labour Court as how they had obtained earlier. Hence, I do not find any reason for interference.



W.P(MD)Nos.19241 of 2022 and 9215 of 2021

WEB COPY

11. In view of the above stated reasons, these writ petitions are
dismissed. No Costs.

24.07.2024

Index : Yes / No
NCC : Yes / No
PJI

To

1.The Principal Secretary to Government,
Animal Husbandry, Dairying & Fisheries
(AH6) Department,
Secretariat,
Chennai-9.

2.The Director of Animal Husbandry and Veterinary Services,
O/o.the Director of Animal Husbandry Department,
No.571, Anna Salai,
Nandanam,
Chennai-600 035.

3.The Assistant Director,
O/o.the Assistant Director for Animal Husbandry,
Tirunelveli.

4.The Deputy Director of Animal Husbandry,
District Live Stock Form,
Abishekapatti,
Tirunelveli District.

Page No.10 of 11



WEB COPY



W.P(MD)Nos.19241 of 2022 and 9215 of 2021

R.N.MANJULA ,J.

PJL

Pre-delivery Order in

W.P(MD)Nos.19241 of 2022 and 9215 of 2021

24.07.2024

Page No.11 of 11