

W.P.Nos.4725, 4732 & 4746 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

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RESERVED ON : 29.04.2025
PRONOUNCED ON : 29.05.2025

PRESENT:

THE HON'BLE DR. JUSTICE A.D. MARIA CLETE

W.P.No.4725, 4732 and 4746 of 2021
and

W.M.P. No.5340, 5346, 5348, 5354 and 5356 of 2021

1. The Director,
Directorate of Town Panchayats,
Chennai – 600 009

2. The Assistant Director,
Town Panchayats,
Salem Zone, Salem – 1

3. The Executive Officer,
Vennandur Town Panchayat,
Namakkal District.

...Petitioners in all WPs

Vs.

1. Court of Minimum Wages Act/
Joint Commissioner of Labour
Salem

...1st Respondent in all WPs

2. Chitra
W/o. Muthusamy,
3/64, Thangasalai Theru,
Vennandur Taluk,
Namakkal District.

...2nd Respondent in WP 4725/2021

3. Rani,
W/o. Murugesan,
3/56, Thangasalai Theru,



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Arunthathiyar Street,

Vennandur Post,

Rasipuram Taluk

Namakkal District.

...2nd Respondent in WP 4732 / 2021

4. Palaniammal,

W/o. Duraisamy,

3/55, Thangasalai Theru,

North Street,

Vennandur Post,

Rasipuram Taluk,

Namakkal District.

...2nd Respondent in WP 4746 / 2021

Prayer in W.P.No. 4725 of 2021

To issue Writ of Certiorarified Mandamus to call for the records in M.W.No.25 of 2020 on the file of the 1st Respondent and quash the proceedings in M.W.No.25 of 2020 dated 28/10/2010 as the connected W.A.No.766 & 767 of 2016 are pending before the Hon'ble Divisional Bench and pass any other order or orders as this Hon'ble Court deems fit and proper in the above case.

Prayer in W.P.No. 4732 of 2021

To issue Writ of Certiorarified Mandamus to call for the records in M.W.No.27 of 2020 on the file of the 1st Respondent and quash the proceedings in M.W.No.27 of 2020 dated 28/10/2010 as the connected W.A.No.766 & 767 of 2016 are pending before the Hon'ble Divisional Bench and pass any other order or orders as this Hon'ble Court deems fit and proper in the above case.

Prayer in W.P.No. 4746 of 2021

To issue Writ of Certiorarified Mandamus to call for the records in M.W.No.26 of 2020 on the file of the 1st Respondent and quash the proceedings in M.W.No.26 of 2020 dated 28/10/2010 as the connected W.A.No.766 & 767 of 2016 are pending before the Hon'ble Divisional Bench and pass any other order or orders as this Hon'ble Court deems fit and proper in the above case.



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Prayer in W.M.P.No. 5340 of 2021 (in W.P.No.4725 of 2021)

To grant an order of interim stay of all further proceedings in M.W.No.25 of 2020 dated 28/10/2020 on the file of the first respondent pending disposal of the main Writ Petition.

Prayer in W.M.P.No. 5346 of 2021 (in W.P.No.4732 of 2021)

To dispense with the production of the original copy of the order dated: 28/10/2020 made in M.W.No.27 of 2020 and render justice.

Prayer in W.M.P.No.5348 of 2021 (in W.P.No.4732 of 2021)

To grant an order of interim stay of all further proceedings in M.W.No.27 of 2020 dated 28/10/2020 on the file of the first respondent pending disposal of the main Writ Petition.

Prayer in W.M.P.No. 5354 of 2021 (in W.P.No.4746 of 2021)

To dispense with the production of the original copy of the order dated: 28/10/2020 made in M.W.No.26 of 2020 and render justice.

Prayer in W.M.P.No. 5356 of 2021 (in W.P.No.4746 of 2021)

To grant an order of interim stay of all further proceedings in M.W.No.26 of 2020 dated 28/10/2020 on the file of the first respondent pending disposal of the main Writ Petition.

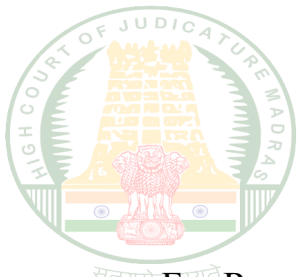
Appearance of Parties:

For 1st & 2nd Petitioners

In all Wps : Mr.R.Kumaravel, AGP

For 3rd Petitioner

In all WPs : Mr. V.Jayaprakash Narayanan,
Advocate



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In all WPs

For Respondent 1

in all Wps

for R1.

For Respondent 2

in all Wps

: Mr. K. Suresh, Government Advocate

: Mr. Avinash Wadhwani, Advocate,
for Ms.V.Srimathi, Advocate.

COMMON JUDGMENT

Heard.

2.It is indeed surprising that the Executive Officer of Vennandur Town Panchayat (the third petitioner herein) has chosen to file these three writ petitions challenging mere notices issued by the first respondent authority in Minimum Wage Cases Nos. 25, 26, and 27 of 2020, initiated by the respective contesting second respondents. The impugned notices, which form the subject matter of the writ petitions, merely call upon the petitioners to appear for a hearing scheduled on 09.11.2020.

3.The relief sought in all three writ petitions is to quash the notices dated 28.10.2020, on the ground that two connected writ appeals—W.A. Nos. 766 and 767 of 2016—are pending consideration before a Division Bench of this Court. The writ petitions were admitted on 03.03.2021, with a direction to list them along with the aforesaid writ appeals. On the same day, an interim stay of the impugned notices was granted. Pursuant to issuance of notice, the



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contesting second respondents have entered appearance through counsel.

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4. Learned counsel for the second respondent also produced a copy of the order dated 16.03.2016 passed in W.P. Nos. 20496 and 23804 of 2013, which are now the subject matter of Writ Appeals Nos. 766 and 767 of 2016. Notably, the three contesting respondents herein were also parties to the said writ petition, arrayed as Petitioners Nos. 2, 4, and 1 in W.P. No. 20496 of 2013. In the operative portion of the order dated 16.03.2016, the Court issued the following directions:—

“29. In these circumstances, the writ petitions are allowed and a direction is issued to the respondents to regularise all these petitioners, Sanitary Workers, from the date of filing of the writ petitions and to pay monetary benefits, accordingly, after adjusting the wages, that were paid as daily wages. A further direction is issued to the respondents to comply with the aforesaid direction within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

30. In view of this common order, the Contempt Petition is also closed.

31. After the pronouncement of the common order today, the learned Special Government Pleader appearing for the second respondent Town Panchayat submitted that these workmen could be regularly absorbed as and when vacancies arise in the sanctioned post. Though this submission is a departure from the submissions made by him at the time of arguments, the same is



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recorded. But I have decided the issue on merits and gave directions to regularize their services as Sanitary Workers, taking into account that these petitioners rendered a very long service in the collection of solid waste in the second respondent Town Panchayat.”

5.As already noted, the aforesaid order was the subject matter of Writ Appeals Nos. 766 and 767 of 2016, which were heard by a Division Bench of this Court. It is now brought to the attention of this Court that, by a judgment dated 29.02.2024, the Division Bench dismissed both writ appeals with costs and affirmed the order passed by the learned Single Judge. The operative portion of the judgment, as contained in paragraphs 57 to 60, is extracted below:-

“57. Resultantly, the following orders are passed in these Writ Appeals:

57.1. that the impugned order is sustained, therefore the Writ Appeals failed, accordingly, they are dismissed.

57.2. As a sequel, the respondents / employees are entitled to get regularisation with effect from completion of three years period from 2006, the date on which they initially engaged. Accordingly, the second appellant Town Panchayat shall regularise the services of these employees / respondents with effect from 2009 or on completion of three years period from the initial date of engagement which happened in the year 2006. Such a compliance shall be made by the Town Panchayat within a period of two months from the date of receipt of a copy of this Judgment.

57.3. Insofar as the fraud and forgery as well as perjury and



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contempt committed by the Executive Officer, namely Mrs.L.Yasotha of the second appellant Town Panchayat is concerned, we direct the following action to be taken against her as well as the other persons if any who supported the action of the Executive Officer.

(i) That the Disciplinary Authority of the Executive Officer of the Town Panchayat shall immediately initiate Disciplinary Proceedings for inflicting the major penalty against the Executive Officer namely Mrs.L.Yasotha and complete the Disciplinary Proceedings within two months period and file a report to that effect.

(ii) Till the completion of the Disciplinary Proceedings, the Executive Officer, namely Mrs.L.Yasotha shall be kept under suspension.

(iii) That apart, the Disciplinary Authority of the Executive Officer shall report this episode of committing forgery by creating forged documents and filed before this Court, to the concerned police, as the forged documents definitely would have been prepared only at the second respondent Town Panchayat or in their jurisdiction and accordingly, necessary criminal complaint shall be given against the Executive Officer of the Town Panchayat and others who were in support of such action with the Executive Officer and on receipt of such complaint from the Disciplinary Authority, the concerned police shall file an FIR and investigate the matter and to proceed in accordance with law to its logical conclusion.

58. In view of the aforesaid actions, this Court is refrained from taking any action against the Executive Officer under the provisions of the Contempt of Courts Act.

59. After complying all these directions with regard to the relief extended to the writ petitioners as well as the action



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against the Town Panchayat Executive Officer and others as indicated above, a compliance report shall be filed before this Court in the second week of June 2024. For the said purpose, list this matter for Reporting Compliance in the second week of June 2024.

60. With all the aforesaid directions, both the Writ Appeals are dismissed with a cost of Rs.25,000/- (Rupees Twenty Five Thousand) in each of the Writ Appeals, which shall be paid to the respondents / writ petitioners equally. Consequently, connected miscellaneous petitions are closed.”

6.Subsequently, when the matter was listed for reporting compliance on 15.07.2024, another Division Bench of this Court passed the following order:-

“Today, these matters have been listed under the caption 'for reporting compliance.'

2. Mr.R.Arumugam, the learned Counsel appearing on behalf of the second appellant/Vennaanthur Town Panchayat would submit that the orders passed by this Court has been complied with and actions are initiated by the Director of Town Panchayat, Chennai – 28 in proceedings dated 28.06.2024.

3. The actions initiated are to be continued by following due process. Accordingly, no further orders are required.”

7.In light of the foregoing, nothing survives for adjudication in these three writ petitions. In any event, a writ petition is not maintainable against a



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mere notice issued by a statutory authority. It was always open to the third petitioner to respond to the impugned notices by submitting an appropriate reply, setting out their position. The writ petitions, being misconceived, are accordingly dismissed. Consequently, all connected miscellaneous petitions stand dismissed. In view of the dismissal of the writ petitions, it is open to the first respondent to proceed with the hearing of Minimum Wage Cases Nos. 25, 26, and 27 of 2020 filed by the respective contesting second respondents, after issuing due notice to both parties and in accordance with law.

8.Although this Court was inclined to impose costs on the third petitioner, considering that he is already facing proceedings pursuant to the orders of the Division Bench, this Court has deemed it appropriate to refrain from burdening the petitioners with costs.

29.05.2025

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NCC : Yes / No

Index : Yes / No

Speaking Order / Non-speaking Order

To

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Joint Commissioner of Labour
Salem



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DR. A.D. MARIA CLETE, J

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Pre-Delivery Judgment made in
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