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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.12599 of 2012
and
M.P.No.1 of 2012

1.The Principal Chief Postmaster General,
Tamilnadu Circle,
Department of Posts & Telegraph,
Chennai – 600 002.

2.The Senior Superintendent of Post Office,
Department of Posts & Telegraph,
Madurai Division,
Madurai – 600 002. ... Petitioners

Vs.

1.Sri Gangai Konda Chozhan,
RNR Postal Assistant,
Samayanallur S.O.,
Madurai – 625 402.

2.C.Navaraj
3.Annamalai
4.V.P.Leermaroseline
5.S.Alagarsamy
6.R.Prema
7.P.Muthuraj
8.S.Padmini
9.R.Sivakumar
10.P.Pandiselvi

11.The Central Government Industrial Tribunal cum Labour Court,

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Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records in respect of the impugned order (Award) passed by the 1st respondent herein in I.D.No.19 of 2008 dated 29.07.2010 and quash the same.

For Petitioners : Mr.AR.L.Sunderasan
Additional Solicitor General
Assisted by Mr.K.Gunasekar
SPCCG

For Respondents : Not Ready Notice [R1]
No appearance [R2 to R11]

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ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records in respect of the impugned order (Award) passed by the 1st respondent herein in I.D.No.19 of 2008 dated 29.07.2010 and quash the same.

2. The case of the petitioners is that, the private respondents 2 to 10 were appointed in different places against leave vacancies. Even after several years, their services were not regularized, thereby, the private respondents and others have filed original applications before the Central Administrative Tribunal, Madras Bench, in O.A.Nos.862, 1006, 1237,

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1131, 1138 & 1149 of 2001 seeking to direct the respondents therein to appoint them in the post in which they are now working on a regular basis and to set aside the order dated 25.07.2001 issued by the petitioners herein and the Central Administrative Tribunal, by its order dated 28.03.2002 set aside the said order dated 25.07.2001 and directed the petitioners to consider the case of the applicants for regularization against the regular vacancies in the grade of postal assistant/postman/grade posts as per the normal rules and orders governing the compassionate ground appointments. Aggrieved by the same, the petitioners filed a writ petition before this Court in W.P.Nos.38990 of 2002, etc. batch of cases and the Division Bench of this Court by its order dated 20.06.2007, dismissed the writ petitions, against which, the petitioners preferred an appeal before the Apex Court in Civil Appeal No.7773 of 2009 and the Apex Court, by its order dated 30.07.2010 directed the petitioners to regularize the services of all the employees who are working against short term leave vacancies with effect from their date of appointment. However, they are not entitled for payment of any arrears on account of such regularization, but their pay and pensionary benefits are protected. Thereafter, the employees raised an industrial dispute before the Central Government and the Central Government referred the dispute u/s 2(A) of Section

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10(1) of the Industrial Disputes Act, 1947 (in short 'the Act') to the 11th respondent with a specific reference whether the demand of Shri. S.Gangai Konda Cholan and nine others, as per Annexure, for payment of HRA, CCA, Leave, Medical, PF Facilities and Productivity linked Bonus vide Corrigendum dated 01.05.2009 to them by the management of Principal Chief Postmaster General (TN Circle)/Senior Superintendent of Post Offices, Madurai Division is legal and justified? The 11th respondent, vide impugned order dated 29.07.2010 held that the demand of the employees for payment of HRA, CCA, Leave, Medical, PF Facilities and Productivity linked Bonus is legal and justified. Challenging the same, the present writ petition is filed.

3. Learned Additional Solicitor General appearing for the petitioners submitted that the private respondents are entitled for payment of HRA, CCA, Leave, Medical, PF facilities and Productivity Linked Bonus from the date of order of Apex Court not from the date of their initial appointment. Further, the Apex Court has specifically made an observation that the private respondents not entitled for any arrears of payment in view of the regularization, however, their pay and pensionary benefits are protected. He further submitted that the arrears includes

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HRA, CCA, Leave, Medical, PF facilities and Productivity Linked Bonus, which was denied by the Apex Court, however, they are entitled for all those payments only from 30.07.2007 not prior to that. Accordingly, he prays for appropriate orders.

4. Though the name of the respondents are printed in the cause list, however no one appeared on behalf of the respondents. Considering the pendency of this writ petition, this Court is inclined to dispose of this writ petition based on the materials available.

5. Admittedly, the Apex Court has allowed the appeal filed by the petitioners and held that the private respondents are entitled for any arrears of payment in view of the regularization, however, their pay and pensionary benefits are protected. As rightly pointed by the learned Additional Solicitor General appearing for the petitioners, the word 'arrears' includes HRA, CCA, Leave, Medical, PF facilities and Productivity Linked Bonus, which was denied by the Apex Court, thereby, the private respondents are entitled for all those payments only from the date of the order passed by the Apex Court i.e., from 30.07.2007 and not prior to that.

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6. In view of the above, this Court disposed this writ petition on the following terms :-

(i) the private respondents are entitled to HRA, CCA, Leave, Medical, PF facilities and Productivity Linked Bonus from 30.07.2007 and

(ii) the petitioners are directed to pay the above said benefits to the private respondents by calculating the same from 30.07.2007.

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

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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