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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 04.02.2025

CORAM

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

W.P.No.19278 of 2010

The Commissioner  
Corporation of Chennai,  
Ripon Buildings,  
Chennai-3.

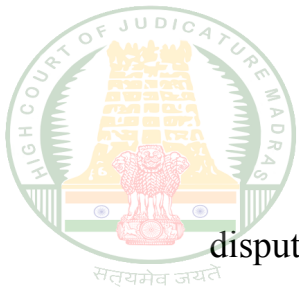
... Petitioner

Vs.

1. Elison  
2. Ramaiah  
3. Erukkulamma  
4. Kottiah  
5. Narashia  
6. Kuruvish  
7. Chinnamma  
8. Marathamma  
9. Pullakondamma  
10. Thiruppal  
11. Denial  
12. The Labour Inspector III  
Nandanam, Chennai-35.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India,  
praying for the issuance of Writ of Certiorari calling for the records in



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dispute No.316 of 2000 on the file of the Labour Inspector III Circle,  
Nandanam, Chennai order dated 30.01.2004 and quash the same.

For Petitioner : Mr.S.Gopinathan

For Respondents : Mr.M/s.K.Shanmugakani  
For R2 To R6  
R-9 And R-12 No Appearance  
RR1, 7, 8, 10 and 11 - Dismissed -  
Vide Court Order Dt.03.03.2020

### **ORDER**

This is a rather unfortunate case where the respondents are litigating for being absorbed in the petitioner Corporation for the past over half of century. It is not known how many respondents are still alive to enjoy the fruits of the order passed by the Labour Inspector. This Court expresses anguish over the manner in which, the petitioner is litigating the issue. The respondents are only to be absorbed as sweepers and conservancy workers. Challenging the order passed by the Labour Inspector directing the petitioner to absorb the respondents as employees of the petitioner Corporation that too in the lowest cadre of employment, the petitioner is wasting the time and machinery of the State.

2. The case of the petitioners is that the respondents herein were



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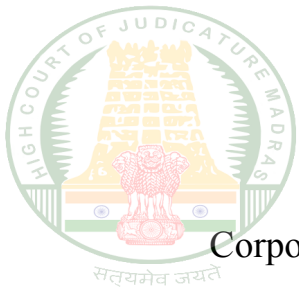
employed by the petitioner Chennai Corporation as Sweepers cum scavengers even in the year 1974 on a monthly salary of Rs.100/-. Despite their various representations to absorb them in service, the petitioner was not inclined to take them as to make permanent employees which has resulted in filing the dispute before the labour Inspector, No.3, Nandanam. The said authority after analysis of the entire materials placed before it, held that the respondent have proved that they have worked for 480 days continuous days and therefore, directed the petitioner to make them permanent employees. Challenging the said order passed on 30.01.2004, the petitioner has chosen to file the present writ petition.

3. Considering the issue involved in the writ petition, this Court is not inclined to go into the arguments advanced on the side of the petitioner. On a perusal of the order passed by the Labour Inspector would show that the respondents were made to work from 02.00 P.M. To 10.00 P.M. Everyday without a break. The petitioner was maintaining muster role and initially the respondents were paid salary by way of bills. Subsequently, a register was maintaining for paying salary. Though the petitioner has made an averment in the affidavit filed in support of the writ petition that the respondents were working under a contractor under SKPD charities. The sanitary Inspector



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Mr.Arumugam has deposed in his evidence that he was the authority who was disbursing salary to the respondents. He has also stated that the respondents used to report before him for duty and he would allot them areas for cleaning and conservancy work. The authority has stated that the said contractor SKPD charities was paying a sum of Rs.2000/- to the petitioner Corporation for conservancy work and the said contractor had no control over the respondent. Likewise, the evidence of T.N. Neelakandan, Manager of the petitioner Corporation assumes importance. He has categorically stated that it is the duty of the Chennai Corporation, to remove garbage collected in Kothawalchavadi Market. He has also stated that SKPD Charities was paying a sum of Rs.2500/- only as sanitary charges to the Chennai Corporation. From and out of sanitary charges collected from various charities, the petitioner was paying salary to the conservancy workers. The respondents herein were paying a pittance of Rs.100/- per month. The learned Labour Inspector has rightly absorbed that only to defeat a rightful claim of the conservancy workers who is the respondents seek permanent employment in the Corporation has taken shelter under the contractors. This is nothing but unfair labour practice. This Court does not find any error on the illegality in the order passed by the Labour Inspector directing the petitioner to made the respondents as permanent employment. This Court has rather surprise that the



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Corporation is litigating about the employment of conservancy workers, a city would be full of garbage resulting in spread of any deceases. The Government should be the first persons to recognize the services of the conservancy workers and take utmost care of them. The Chennai Corporation being a model employer ought not to have filed a writ petition at all and made the employees permanent. Once the order has been passed by the Labour Inspector. Though the petitioner has stated a few writ petitions filed by the respondents, this Court is of the view that the proper forum to seek employment is only before the Labour Court and not before this Court. Because the issue of making an employee permanent cannot be made based on the affidavit evidence,

4. This Court, therefore, confirms the order passed by the Labour Inspector dated 30.01.2004 and dismissed the present writ petition.

5. As regards the relief to the respondents who should be super senior citizens, now the passages of almost 51 years from the date of their initial entry into service in the year 1974, this Court directs the petitioner to immediately implement the order within a period of eight weeks from the date of receipt of a copy of this order. No costs.



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To

The Labour Inspector III Circle, Nandanam, Chennai



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**M.DHANDAPANI,J.**

Rli

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