



W.P.Nos.20578 to 20591 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.20578 to 20591 of 2015

And

M.P.Nos.1 to 1 of 2015

The Zonal Officer,
Zone – VII,
Corporation of Chennai,
Ambattur,
Chennai – 600 053.

Formerly

The Commissioner,
Ambattur Municipality,
Ambattur,
Chennai – 600 053.

... Petitioner in all the W.Ps.

Vs.

1.The Presiding Officer,
II Additional Labour Court,
Chennai.

... Respondent in all the W.Ps.

2.C.H.Vinothbabu

... Respondent in W.P.20578/2015

2.V.Elumalai

... Respondent in W.P.20579/2015

2.P.Sayamma

... Respondent in W.P.20580/2015

2.J.Davin

... Respondent in W.P.20581/2015

2.Mariamamma

... Respondent in W.P.20582/2015

2.G.Jayarao

... Respondent in W.P.20583/2015

2.R.Venkatesan

... Respondent in W.P.20584/2015

2.B.Kumar

... Respondent in W.P.20585/2015

2.P.Babu

... Respondent in W.P.20586/2015

2.Devaiiah

... Respondent in W.P.20587/2015

2.M.Raja

... Respondent in W.P.20588/2015

2.A.Nithiya

... Respondent in W.P.20589/2015



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2.D.Rose
2.S.K.Mani

... Respondent in W.P.20590/2015
... Respondent in W.P.20591/2015

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the first respondent herein in C.P.Nos.158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170 and 171 of 2007 respectively and quash the impugned order dated 28.06.2012 passed by the first respondent herein as highly illegal and arbitrary.

For Petitioner : Mr.E.C.Ramesh

For Respondents : R1 – Court
Mr.K.M.Ramesh for R2
Senior Counsel
for M/s.T.Hemalatha

COMMON ORDER

The petitioner challenges the order of the Labour Court in C.P.Nos.158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170 and 171 of 2007 respectively dated 28.06.2012.

2. It is the case of the workmen that they are entitled to regular time scale of pay from the date on which they completed three years of service on consolidated pay. The writ petitioner had granted them



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the benefit from 28.02.2006 and not from 01.01.2002. The entire dispute is within the period of four years. The labour Court had held that the workmen have a right for claiming the difference in pay in view of the fact of G.O.Ms.No.71 dated 05.05.1998 and that the ban imposed by the Government in G.O.Ms.No.212 (P&IR) dated 01.01.2002 does not affect the payment of difference in pay scale.

3. The subject matter of the writ petitions was also the subject matter in a Full Bench judgment of this Court in ***Secretary to the Government, Municipal Administration and Water Supply Department -vs- V.Marisamy*** reported in **2017(3) CTC 673**. The Full Bench was pleased to hold as follows:

"29.(a) Persons employed as Sanitary Workers and covered by G.O.Ms.No.101, dated 30.04.1997 and G.O.Ms.No.71, dated 05.05.1998 are entitled to be regularized after the completion of the respective period under Consolidated Pay as specified in the Government Orders from the date of their initial appointment."

4. Therefore, following the Full Bench judgment of this Court, all



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these writ petitions have to be dismissed. However, Mr.E.C.Ramesh would bring to my notice that the said order of the Full Bench has been kept in abeyance by proceedings in S.L.P.(C) No.21935 of 2017 and S.L.P.No.19874 of 2017. Therefore, there is no point in keeping these writ petitions pending. In the light of the above judgment, these writ petitions stand dismissed. However, the computation of the payment for each of the workman will be done based on the verdict of the Supreme Court after the disposal of the aforesaid S.L.Ps.

5. With the above observation, these writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

20.03.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
II Additional Labour Court,
Chennai.

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M.DHANDAPANI,J.
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