



W.P. Nos.15063-15065/2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.04.2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS.15063 TO 15065 OF 2018

And

W.M.P. NO.17827 OF 2018

1. The Government of Tamil Nadu
Rep. by its Secretary
Tamil Development and Information Department
Fort St. George
Secretariat, Chennai-9.
 2. The Director
Directorate of Stationery and Printing
110, Anna Salai, Chennai-2.
- .. Petitioners in all
writ petitions

- Vs -

W.P. No.15063 of 2018

- 1.The Presiding Officer,
3rd Additional Labour Court
City Civil Court Building,
High Court Campus, Chennai-104.
- 2.V. Balasundaram
- 3.P. Anathanayagi
- 4.V.Padmavathy
- 5.M. Vinayagamoorthy



W.P. Nos.15063-15065/2018

WEB COPY

- 6.A. Selvakumar
- 7.R. Selvaraj
- 8.M.P. Radhakrishnan
- 9.R. Durai
- 10.P. Yesoda
- 11.P.R.Sridharan
- 12.D.Devan
- 13.R. Manivannan
- 14.K. Saraswathi
- 15.R. Jayakumar
- 16.A. Munusamy
- 17.N. Gandhimathi
- 18.N. Niramathi
- 19.R. Ellammal
- 20.G. Subramanian
- 21.K. Ganesan
- 22.G. Kalivu
- 23.K. Jayamma
- 24.S. Dhanalakshmi
- 25.P. Rajeswari
- 26.O.R. Thirupal
- 27.R. Salathmary
- 28.M. Parthiban
- 29.N. Alis Jabamani
- 30.S. Saroja
- 31.S. Chokkamal
- 32.M. Santhakumari
- 33.M. Gowri
- 34.T. Pencilliah
- 35.M. Devi
- 36.M. Lakshmi
- 37.N. Devagi
- 38.K. Veeraragavan
- 39.M. Annammal
- 40.G. Samundeeshwari



W.P. Nos.15063-15065/2018

WEB COPY

- 41.K. Santhi
- 42.G. Sudersanam
- 43.P. Jayaraman
- 44.M. Jayaraman
- 45.S. Saroja
- 46.N. Thayamma
- 47.S. Gowri
- 48.V. Achammal
- 49.N. Padmavathi
- 50.S.Poongothai
- 51.R.Ponnamal
- 52.R. Rajamma
- 53.M. Palani
- 54.S. Parameswaran
- 55.R. Kamatchi
- 56.K. Varalakshmi
- 57.S. Kalaiselvi
- 58.K. Subramanian
- 59.P. Sunderamoorthy
- 60.T.E. Seenivasan
- 61.L. Rani
- 62.S. Saroja
- 63.N. Marimuthu
- 64.M. Muthukrishnan
- 65.M.T. Mariathangam
- 66.C.K. Natarajan
- 67.M.R. Gajapathy
- 68.K. Subramanian
- 69.V. Rajendracholan
- 70.S. Dilipkumar
- 71.P. Mahendran
- 72.S. Pugazhandran
- 73.G. Manoharan
- 74.A. Moghan



W.P. Nos.15063-15065/2018

WEB COPY

- 75.D. Srinivasalu
- 76.S. Manimaran
- 77.K. Punniyavathi
- 78.M. Amudavalli
- 79.K.R. Ramalingam
- 80.A. Sankaran
- 81.G. Mohan
- 82.P. Manoharan
- 83.S.Amudha
- 84.N. Rudrakotti
- 85.K. Mahalakshmi
- 86.S.P. Devi
- 87.M. Malliga
- 88.S. Palanivel
- 89.M. Muthusami
- 90.P. Radhakrishan
- 91.S. Vijayakumar
- 92.P.M. Janikiraman
- 93.D. Stanley Chandrasekaran

.. Respondents

W.P. N. 15064 of 2018

1.The Presiding Officer,
2nd Additional Labour Court
City Civil Court Building
High Court Campus, Chennai-104.

- 2.S. Kalavathi
- 3.S.Maragatham
- 4.R.S. Mythili
- 5.A.Devadoss
- 6.R. Padmini
- 7.S. Arul
- 8.G. Vinayagam
- 9.S. Shakeela Beevee



W.P. Nos.15063-15065/2018

WEB COPY

- 10.S. Banumathi
- 11.P.R. Santhi
- 12.P.C. Mary
- 13.G. Yuvarni
- 14.N. Vijayakumari
- 15.P.L. Malliga
- 16.B. Vijaya
- 17.V. Babu
- 18.R.Vasudevan
- 19.R. Vijayaragavan
- 20.M. Perumal
- 21.A. Venkatesan
- 22.M. Manohari
- 23.S. Chandrababu
- 24.M. Maheswari
- 25.K. Loganathan
- 26.M. Thangaraj
- 27.P. Vijayan
- 28.M. Senthamarikannan
- 29.S. Chandrababu
- 30.E, Karunaprathaban
- 31.A.M. Inbagomathi
- 32.S. Suseela
- 33.K. Muthammal
- 34.N. Kumar
- 35.B. Sudhagar
- 36.A. Palani
- 37.T. Thandavamoorthy
- 38.S. Rajendran
- 39.D. Gunasekaran
- 40.K. Hemalatha
- 41.A. Rabiudeen
- 42.P. Usharani
- 43.B. Sumathi
- 44.S. Malliga



W.P. Nos.15063-15065/2018

WEB COPY

- 45.R. Manonmani
- 46.D. Uma Maheswari
- 47.E. Hemavathi
- 48.N. K. Jaya
- 49.A.V. Kalaiyarasi
- 50.V.S. Usha
- 51.C.A. Sorooparani
- 52.B. Vasantha
- 53.M.S. Kalavathi
- 54.L. Ramani
- 55.M. Uma
- 56.K.N. Vishnu
- 57.S. Kalaiselvi
- 58.C. Rameswari
- 59.M.R. Mandodari
- 60.K. Arumugam
- 61.P. Saraswathi
- 62.N. Girija
- 63.K. Suseeladevi
- 64.A. Gunasundari
- 65.P. Jeevlakshmi
- 66.S. Murugan
- 67.R. Balasubramanian
- 68.R. Saraswathi
- 69.M. Alli
- 70.C. Shankuntala
- 71.M.S. Ethhandran
- 72.R. Tamilaraisi
- 73.M. Lakshmi
- 74.K. Srinivasamoorthi
- 75.K. Jayabalan
- 76.G. Jayaraman
- 77.A. Malliga
- 78.S. Dharanibai
- 79.A. Velu



W.P. Nos.15063-15065/2018

WEB COPY

- 80.C. Ramachandran
- 81.V.s. Janikiraman
- 82.G. Parvathi
- 83.B. Adinarayanan
- 84.A. Nithyanandababu
- 85.M. Shyamala
- 86.M. Bavanirani
- 87.A. Rajan
- 88.B. Kanniappan
- 89.B. Geetha
- 90.S. Venkatesan
- 91.V. Murugan
- 92.A. Malarvizhi
- 93.V. Radha
- 94.S. Mary Glory
- 95.G. Samundeeswari
- 96.R. Vijayaprasad
- 97.B. Indra
- 98.S. Manjula
- 99.A. Jayaram
- 100.K. Nirmala
- 101.V. M. Amudasurabi
- 102.M. Tamilarasi
- 103.P.S. Arunachalam
- 104.T.K. Ganapathi
- 105.M. Santhamoorthi
- 106.M. Santhoshkani
- 107.S. Buvaneshwari
- 108.E. Kamalam
- 109.M.R. Prema
- 110.B. Sheela
- 111.S. Parvathi
- 112.N. Subramanian
- 113.V. Saraswathi
- 114.S. Muthukumarasamy



W.P. Nos.15063-15065/2018

WEB COPY

- 115.V. Vijayamohan
- 116.C. Thilagavathi
- 117.B. Ramamoorthi
- 118.P. Chokalingam
- 119.G. Valli
- 120.A. Balasubramanian
- 121.S. Anni Prisila
- 122.D. Malliga
- 123.A. Christen Shiromani
- 124.R. Rajamani
- 125.M. Baby Rani
- 126.M. Sivakumar
- 127.V. Gajalakshmi
- 128.S. Thangamani
- 129.N.Poongothai
- 130.C. Revathy
- 131.B.Devi
- 132.S.Indira
- 133.K. Rajagopal
- 134.S.Sooryakumari
- 135.S. Banumathi
- 136.V. Muniyammal
- 137.P. Umaparvathi
- 138.K.V. Deevathilagi
- 139.P. Devika
- 140.D.R. Rani
- 141.R. Ravi
- 142.B. Murali
- 143.N. Gnanasigamani
- 144.N. Damodaran
- 145.R. Kumar
- 146.S. Krishnamoorthy
- 147.P. Subramanian
- 148.K. Gajendran
- 149.S. Chidambaram



W.P. Nos.15063-15065/2018

WEB COPY

- 150.N. Ravi
- 151.V. Dandapani
- 152.G. Malliga
- 153.R.Umadevi
- 154.S. Rajakumari
- 155.T. Enkobarao
- 156.V. Chinnadurai
- 157.G. Manokaran
- 158.D. Sampath
- 159.M. Sathyasaravanan

.. Respondents

W.P. No.15065 of 2018

1.The Presiding Officer,
1st Additional Labour Court
City Civil Court Building
High Court Campus, Chennai-104.

- 2.S. Tamil Doss
- 3.G. Radhakrishnan,
- 4.P.K. Ragulan, Compositor,
- 5.R.Thangaselvan,
- 6.J.Prabavathi
- 7.R.Purushothaman
- 8.S. Dandapani
- 9.M. Natarajan
- 10.P.Sugumaran
- 11.J. Amudha
- 12.V.Jayalakshmi
- 13.S.Venkatesan
- 14.V. Kamalakannan
- 15.L.Padmanaban
- 16.V.Subramani
- 17.L. Sampath
- 18.R. Nagarajan



W.P. Nos.15063-15065/2018

WEB COPY

- 19.L.Gnanakumar
- 20.V. Lakshmanan
- 21.G.Chandrasekaran
- 22.H. Stanley
- 23.S. Chandrasekaran
- 24.A. Balakrishnan
- 25.Ashok
- 26.Sathyananrayanan
- 27.G. Baskaran
- 28.K. Anbalagan
- 29.D. Mohan
- 30.S. Rajinikanth
- 31.A. Sundaramoorthi
- 32.R. Shanmugam
- 33.C. Selvan
- 34.R. G. Mohan
- 35.S. Adirai
- 36.M. Murugesan
- 37.S.A. Syed Kasim
- 38.P.R. Radha
- 39.P. Sunder
- 40.T. Srinivasan
- 41.P. Ganesan
- 42.Noorjagan Begam
- 43.N. Ravi
- 44.S. Karunakaran
- 45.G. Kudiarasumaran
- 46.R. Baskaran
- 47.K.E. Seenivasan
- 48.P.S. Venkatesan
- 49.P.Devarajan
- 50.M. Aruldoss
- 51.C. Kandasamy
- 52.P. Meenambigai
- 53.K. Jayakumar



W.P. Nos.15063-15065/2018

WEB COPY

- 54.M. Naganathan
- 55.M. Rajendran
- 56.K. Sunderaj
- 57.V. Ragothaman
- 58.S.M. Jagadesan
- 59.N.R. Alex
- 60.R. Gopinath
- 61.S. Sudersan
- 62.M. Lakshmirani
- 63.J.V. Anandan
- 64.M. Mani
- 65.S.Selvarangam
- 66.S. Gnanasundaram
- 67.G. Suganthi
- 68.K. Kothandammal
- 69.D.K. Indiresan
- 70.S. Sarkunan
- 71.P. Natarajan
- 72.K. Babu
- 73.S. Ellammal
- 74.K.V. Mahalakshmi
- 75.T. Vasantha
- 76.G. Thanigachalam
- 77.R. Gnanasekaran
- 78.. J. Inbaraj
- 79.V. Pinagapani
- 80.K. Subramani
- 81.B.Pakianathan
- 82.L. Ramadoss
- 83.G. Thilagavathi
- 84.R. Rajeswari
- 85.P Kasturi
- 86.B. Adhilakshmi
- 87.K. Padma
- 88.S. Ramalingam



W.P. Nos.15063-15065/2018

WEB COPY

- 89.S. Lingappa
- 90.M.N. Manjulabai
- 91.G. Gunasundari
- 92.S. Sundari
- 93.M. Rengasamy
- 94.S. Pushparaj
- 95.S. Raghuraman
- 96.R. Sugumar
- 97.S. Kuppusamy
- 98.E. Nithyananatham
- 99.M. Palani
- 100.A. Pushparajan
- 101.S. Chandra
- 102.M. Rajendran
- 103.G. Malliga
- 104.A. Saraswathy
- 105.S. Padmavathy
- 106.R. Gandha
- 107.M. Paripuranam
- 108.V. Rukmani
- 109.R. Nagarajan
- 110.V.Purushothaman
- 111.R. Muralidaran
- 112.G. Kothandaraman
- 113.G. Alamelu
- 114.G. Kumaravel
- 115.S. Moorthy
- 116.D.S. Devaraj
- 117.E.Vijayakumar
- 118.K.P. Sivadasan
- 119.T. Nagarajan
- 120.P. Venkatesan
- 121.P. Sundramoorthy
- 122.G.Babu
- 123.K.S. Selvam



W.P. Nos.15063-15065/2018

WEB COPY

- 124.A. Kannadasan
- 125.K. Kumarasamy
- 126.S.Punithavalli
- 127.K.S. Ilangovan
- 128.E. Palani
- 129.C. Palanivelu
- 130.P Loganathan
- 131.G.K. Sheshaiya
- 132.K. Munusamy
- 133.A. Seenivasan
- 134.R. Kumar
- 135.K. Ramalingam
- 136.T. Nagarajan
- 137.R. Veeramoorthy
- 138.R. Hariyendran

.. Respondents

W.P. No.15063 of 2018 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the relevant records of the 1st respondent impugned order dated 29.01.2016 in C.P. Nos.1441 to 1532 of 2010 and quash the same as illegal, arbitrary and unreasonable vague and violation of rule of law.

W.P. No.15064 of 2018 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the relevant records of the 1st respondent impugned order dated 29.09.2015 in C.P. Nos.1204/2010 to 1341/2010 C.P. Nos.245/2011 to 261/2011 and C.P. Nos.280/2011 to 282/2011



W.P. Nos.15063-15065/2018

WEB COPY

and quash the same as illegal, arbitrary and unreasonable vague and violation of rule of law.

W.P. No.15065 of 2018 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the relevant records of the 1st respondent impugned order dated 23.12.2014 on C.P. Nos. 1342/2010 to 1399/2010, 1416/2010 to 1440/2010, 1533/2010 to 1562/2010 and 45/2013 to 68/2013 and quash the same as illegal, arbitrary and unreasonable vague and violation of rule of law.

For Petitioners : Mr. P.Kumaresan, AAG
Assisted by
Mr. K.Surendran, AGP

For Respondents : Mr. S.Kumarasamy for RR-2 to
93 in WP 15063/18, for RR-2 to
159 in WP 15064/18 & for RR-2
to 138 in WP 15065/18

COMMON ORDER

The short issue that emerges for adjudication in the present petitions is as to the entitlement of the workmen working in the Government Press to equal benefit of either grant of leave on Saturday or compensation computable in monetary terms in lieu thereof, alike their counterparts working in the



W.P. Nos.15063-15065/2018

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administrative wing of the Government Departments and also teachers, including the administrative staff of the Government Press, who are granted leave on Saturday vide the issuance of Government Orders in the year 1985, 1989 and 1990. In the aftermath of the aforesaid issue, computation petitions were filed by the workmen herein seeking compensation computable in monetary terms, which having been allowed, has resulted in the filing of the present petitions.

2. The facts of the present petitions fall within a very narrow compass. The 2nd petitioner is a Government Central Press at Chennai and seven other Government Branch Presses are functioning in various other places across the State for the purpose of carrying out the printing activities of the Government. The Government Press is classified as an essential service under the State and the staff in the Government Press are divided into two categories, viz., one being the ministerial staff and the other the technical staff. While the ministerial staff/employees take care of the administrative work, the technical staff/employees attend to the printing works and the nature of duties, roles performed and the scale of pay of both the staff are totally different. However, both the ministerial and technical staff are governed by the same common rules



W.P. Nos.15063-15065/2018

WEB COPY

and regulations while most of the service conditions differ based on the nature of duties performed by them. It is the further averment of the petitioner that while the ministerial staffs are governed by the hours of work applicable to Government offices, the technical staffs are governed by the hours of work prescribed under the Factories Act.

3. It is the further case of the petitioners that a policy decision was taken by the Government of Tamil Nadu that ministerial staff will work for 5 days in a week with elongated working hours by increasing the working hours daily by 1 ¼ hours, in all totalling to 6 ¼ hours in a week. This order was made applicable to all the ministerial staff in the Government officer including the ministerial staff in the Government Central Press.

4. It is the further case of the petitioners that the respondents were aware of the change in the working hours of the ministerial staff, yet they did not raise any grievance regarding the above change for the reason that the working hours of the technical staff was beneficial to them and governed by shift timings and any work beyond the shift timings was equated to compensatory leave, which



W.P. Nos.15063-15065/2018

WEB COPY

was not available for the ministerial staff. Further, the technical staff never challenged the benefit of conferment of leave to the ministerial staff vide G.O. Ms. No.67, Personnel & Administrative Reforms Department, nor they sought for extension of the same to them for almost 20 years as the shift system and Saturday working has been in vogue since 1831.

5. It is the further averment of the petitioner that the respondents raised an dispute before the Conciliation Officer regarding grant of holiday vide G.O. Ms. No.67, which demand was turned down by the Government vide G.O. Ms. No.300, Labour & Employment (A1) Department dated 12.04.2001 and the said order has not been challenged by the respondents till date and the said Government Order has become final.

6. It is the further averment of the petitioners that a representation was given by the workers union to the Government seeking holidays on all Saturdays, which, after consideration, was rejected against which the respondents approached the 1st and 2nd Additional Labour Courts claiming wages for the Saturdays for the period from 1.10.2007 to 30.09.2010, which according to the



W.P. Nos.15063-15065/2018

WEB COPY

petitioner, wages has already been paid and any further payment would be nothing but double wages.

7. It is the further averment of the petitioner that the wages paid to the respondents included wages for Saturday as well, as the monthly wages is for 30/31 days and any payment over and above the wages would be nothing but double payment. It is the further averment of the petitioner that while the ministerial staffs are governed by the District Office Manual, which provides Saturday as a holiday for the ministerial staff, however, the respondents are governed by the Press Office Manual, which prescribes Saturday as a working day and, therefore, the two cannot be equated on the same scale so as to give similar treatment.

8. It is therefore the averment of the petitioner that the determination of monetary benefit by the Labour Court by acceding to the claim of the respondents/technical staffs even before the rights are determined is erroneous as without determination of rights, a petition u/s 33-C (2) is not maintainable. It is the further averment of the petitioner that wages having already been paid for



W.P. Nos.15063-15065/2018

WEB COPY

the said Saturdays, any payment which is directed to be paid as compensation would be nothing but double payment and would be against the Press Office Manual as the technical staff would not be entitled for the same. Without appreciating the aforesaid facts, the 1st respondent has granted the benefit to the respondents on a gross misconception, which requires interference.

9. The learned Addl. Advocates General appearing for the petitioner submitted that the petition u/s 33-C (2) itself is not maintainable insofar as determination of right has not been done and without such a determination, quantification of a benefit in terms of monetary claim cannot be granted.

10. It is the further submission of the learned Addl. Advocates General that even as early as in the year 2001, the issue of working day of five days a week was raised by the technical staffs, which was rejected by the Government and directing the workmen to approach the authority under the Factories Act for redressal of their grievance. Thereafter, once again the Government vide G.O. (3pa) No.13 dated 10.06.2011 was also rejected by the Government. Once the Government has rejected the claim of the respondents by taking a policy decision



W.P. Nos.15063-15065/2018

WEB COPY

that the working of the technical staffs will be six days in a week, equating them with the ministerial staff, who have different nature of work and working patters is wholly impermissible.

11. It is the further submission of the learned Addl. Advocates General that ever since 1831, the technical staffs of the Government Press are working six days a week and, therefore, they are not entitled to the benefit of G.O. Ms. No.67, Personnel & Administrative Reforms Dept., dated 8.2.1990 by contending that it does not specifically exclude technical employees. Such an interpretation to the Government Order runs counter to the policy decision taken by the State and also the working pattern of the technical staffs, which has been followed since 1831.

12. It is the further submission of the learned Addl. Advocates General that benefits flowing from pre-existing rights alone could be determined u/s 33-C (2). However, insofar as the leave on Saturday as sought for by the respondents is concerned, they have no right, muchless, pre-existing right and determination of the benefit in monetary terms undertaken by the Tribunal is palpably wrong.



W.P. Nos.15063-15065/2018

WEB COPY

13. It is the further submission of the learned Addl. Advocates General that the ministerial staff and technical staff form two different class and they are governed by separate cadre, separate scale of pay and while the ministerial staff are granted Saturday off, however, it is not allowed for technical staff, as they have to work for 48 hours in a week, as per the Press Office Manual and, therefore, equating both the cadres for the purpose of determining the benefit conferrable on the technical staff is grossly incorrect. However, the Tribunal, on an erroneous interpretation and basing its view on a judgment of the Punjab & Haryana High Court has made a wrong determination, which cannot be allowed to continue.

14. It is the further submission of the learned Addl. Advocates General that the ministerial staff are governed by different set of rules and regulations and the technical staff are governed by the provisions of the Factories Act insofar as shift timings and nature of work are concerned and, therefore, equating two unequals to grant a benefit, which is enjoyed by one is unsustainable.



W.P. Nos.15063-15065/2018

WEB COPY

15. It is the further submission of the learned Addl. Advocates General that the decisions relied on in the case before the Punjab and Haryana High Court cannot be relied on in the present case, as in the said case, the employees came under the same cadre and were governed by the same scales of pay, whereas in the present case, the technical staffs are governed by different set of rules, while the ministerial staffs are governed by different set of rules, viz., Press Office Manual and District Office Manual.

16. It is the further submission of the learned Addl. Advocates General that application of Article 14 has no place in the present set of facts, as the technical staff and the ministerial staff form two different classes/cadres, which cannot be interchanged by transfers and postings. Though the controlling authority may be common in both, they are guided by different set of regulations and, therefore, equality in their service conditions cannot be claimed. Further, there is reasonable basis in the fixation of working days and also extended work between the two classes of employees and equating one with the other when both belong to different cadres is arbitrary, unjust and unreasonable.



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17. In fine, it is the submission of the learned Addl. Advocates General that the Tribunal has exceeded its limit and jurisdiction in entertaining the dispute and passing the order in favour of the respondents without appreciating the aforesaid factual aspects and, therefore, the same requires interference at the hands of this Court.

18. Per contra, learned counsel appearing for the respondents/workmen submitted that prior to the issuance of G.O. Ms.No.67 dated 8.2.1990 in and by which the ministerial staff alone were provided with holiday on Saturday inspite of the fact that both the ministerial staff and technical staff were enjoying similar work conditions then. Therefore, the exclusion of technical staff from the purview of holiday on Saturday is a clear infraction of Article 14, thereby perpetuating inequality.

19. It is the further submission of the learned counsel that in the aforesaid G.O. Ms. No.67 in and by which Saturday was declared to be a holiday for the ministerial staff, there is no exclusion of the technical staffs, who, according to the petitioner are alleged to be industrial employees. If really the contention of



W.P. Nos.15063-15065/2018

WEB COPY

the petitioner is to be accepted, there should not only be an exclusion of the technical staffs, but also a clear inclusion of the clause to the effect that the said Government Order would only be applicable to ministerial staff and not to technical staff. In the absence of any clear exclusion, the Government Order aforesaid have to be held to be applicable to technical staff as well.

20. It is the further submission of the learned counsel that the claim of delayed action on the part of the workmen/technical staffs to claim the benefit of the aforesaid Government Order granted to ministerial staffs, the technical staffs through the Association/Union have been diligently pursuing the remedy for holiday with the Government on par with the ministerial staff and the delay envisioned on account of such steps taken by the respondents cannot be put against them. Further, the claim of the respondents is limited only to a period of three years, between October, 2007 and September, 2010 and the rejection of the representations based on the imaginary cadre, calling it ministerial and technical through the various rejection orders is only to drag on the proceedings by the petitioner.



W.P. Nos.15063-15065/2018

WEB COPY

21. It is the further submission of the learned counsel that the Tribunal has threadbare analysed the pre-existing right of the employees in the technical stream and advertent to the various decisions of the Apex Court and the other Courts has held that the right of the technical staff cannot be subsumed under the guise of pre-existing right not having been determined.

22. It is the further submission of the learned counsel that identical issue relating to employees of Punjab Government Press has been taken into consideration by the Punjab & Haryana High Court for the purpose of grant of holidays to technical staff on par with ministerial staff and the submission to the contra advanced by the learned Addl. Advocates General is wholly misconceived.

23. It is the further submission of the learned counsel that G.O. Ms. No.300 dated 12.4.2001 in and by which the reference for industrial dispute sought for by one Union was rejected by the Government is only an administrative order and it will not bar the respondents from raising an industrial dispute and agitating it and, therefore, the said Government Order cannot be pressed into service to defeat the claim of the respondents.



W.P. Nos.15063-15065/2018

WEB COPY

24. Learned counsel for the respondents also placed reliance on the decision of this Court in ***The Chairman-cum-Managing Director, Power Grid Corporation of India Ltd. – Vs – The Presiding Officer & Ors. (W.P. No.1309 of 2015 – Dated 03.04.2025)*** and submitted that the ratio laid down in the said decision would be squarely applicable to the present case and, accordingly, prays that the present writ petition may be dismissed.

25. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record as also the decisions relied on by the learned counsel for the respondents/workmen.

26. The core issue that falls for consideration is with regard to the entitlement of the respondents/workmen, who are technical staff, with regard to holiday on Saturday in line with the ministerial staff, as mandated under G.O. Ms. No.67, Personnel & Administrative Reforms Department, dated 8.2.1990.



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27. Before advertng to the facts of the present case, two decisions which have been relied on by the workmen, which has a bearing, requires advertence.

28. In *Power Grid Corporation case (supra)*, this Court had occasion to consider a similar issue with regard to five day working week and six day working week between the employees in the Corporate/Regional office and the workmen at the project sites and this Court held as under :-

“19. It is not in dispute that prior to the merger of the 3rd respondent with the other 6 constituent units for forming the petitioner, 6 day week system was in vogue irrespective of the employees of the Corporate Offices/Regional Head Quartered Officers or the employees working at the sites, projects or transmission lines, barring the shift staff. Therefore, the system that was being followed was irrespective of the work place of the employees. Initially 6 day week system was in prevalence with second and fourth Saturdays as holidays. W.W.1 and W.W.2 had deposed about the aforesaid fact with regard to the work system that was in vogue prior to the issuance of the circular dated 2.8.1985. The evidence of W.W.1 and W.W.3 on the aforesaid lines has not been disputed by the petitioner and the 3rd respondent. When equally placed persons, both at the Corporate/Regional Head Quartered Office and persons working at sites, projects, etc.,



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were determined on a single scale, all of a sudden through the circular dated 2.8.1985, there occurred a tilt in which the Corporate/Regional Head Quartered Officers were provided with 5 day week while the similarly placed persons at sites, projects, etc., were provided with 6 day week. However, no reasons for extending the time for the persons working in the sites/project, etc., was spelt out resulting in the 6 day week and there is also no additional remuneration that has been provided to the persons with 6 day week, who were identically placed with the persons with 5 day week.

20. In this regard, it is not the case of the petitioner or the 3rd respondent that subsequent to the issuance of circular dated 2.8.1985, there were alteration in the service conditions of the employees working at the Corporate/Regional Head Quartered Officers and the employees working at the Sites, Projects, etc. Except for the work week being altered between the persons working at the Corporate/Regional Head Quartered Officers and the persons working at Sites/Projects, etc., there was no change in the service conditions of the workmen. When the service conditions remained unaltered for both the groups of employees even after the circular, what was provided to the persons ought to have continued even after the circular and modifying the service conditions, viz., 5 day work week for one set of employees and 6 day work week for another set of employees, who were and are identically



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placed is nothing but a clear violation and discrimination of Article 14 of the Constitution.

* * * * *

22. Further, it transpires from the order that the inaction on the part of the 2nd respondent in raising the issue at the earliest point of time precludes the 2nd respondent from raising the dispute almost two decades later. However, based on Ex.M-4, the Memorandum of Conclusion dated 17th and 18th Sept., 1985, as has been recorded in the award of the trial court, as aforesaid, demand was made by the workmen with regard to the extended working hours without any additional payment and demand was made for reduction in the weekly working hours or suitable compensation in lieu thereof, in respect of employees working at sites/projects, etc., however, the said demand was rejected that the 5 day work week system has been introduced by the Government of India and that the employees in the Corporate/Regional Head Quartered Officers cannot be equated with the employees at Sites/Projects, etc. However, it is to be pointed out that there was no basis to come to the conclusion that both the employees stood on a different footing as all along, both the sets of employees were governed by the same scales of pay and conditions of service, including 6 days week and there was no discrimination between the two sets of employees.

* * * * *



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26. When a claim affects the workforce as a whole, more especially on the basis of an administrative decision, then the grievance sought to be espoused with a delay by a group of workmen cannot be put against the entire workforce to grant the relief, as it affects the rights of all the labour; but so long as it does not affect the rights of the other labour or third parties, there could be no impediment to reopen the issue and agitate the claim. This is what has been conveyed through the decision in *Tarsem Singh* case, which has been properly captured by the Tribunal, while appreciating the materials on record in line with the aforesaid decision. The said view expressed on the basis of the Apex Court's ratio is not only logical, but also practical as the workmen cannot be denied their space and claim, when it is their right, which they were enjoying, but for the administrative order based on a circular by the Government of India, which granted a better working condition, but they were robbed of the same by the petitioner without any proper and logical reasoning.

27. In the present case, the dispute which has been agitated has not hindered on the rights of other labour or third parties, but is only to safeguard the rights of the workmen, who are represented by the 2nd respondent, against whom discrimination was being made in the form of extended duty on the 6th day of the week, while the other persons have been given the benefit of 5 day work week. The said act of the petitioner is grossly in violation of Article 14 of the



W.P. Nos.15063-15065/2018

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Constitution and the same cannot be allowed to stand, which fact has been properly appreciated by the trial court while passing the impugned order.”

29. Similar issue also fell for consideration before the Punjab and Haryana High Court in the case of **Commissioner Secretary, Printing & Stationery, Haryana & Anr. – Vs – The Presiding Officer, Labour Court, UT, Chandigarh & Anr. (C.W.P. No.20865/2008)**, and in the context of the said case, the Court held as under :-

“(14) I have given my thoughtful consideration to the submissions put-forth by the counsel for the parties and with their able assistance have gone through the records of the case and am of the view that the present writ petitions deserve to be dismissed. The directions as given by the learned Single Judge in C.W.P. No. 9983 of 1988,— vide order dated 24th August, 2004 would clearly show in direction ‘(a)’ that this Court had granted liberty to file an appropriate application under Section 33-C (2) of the Act and that after proper computation if the Labour Court finds that they are entitled to extra wages for each of the Saturdays on which they might have worked while their colleagues belonging to the ministerial staff and holding technical and non-technical posts have enjoyed Saturdays as holidays, they would be



W.P. Nos.15063-15065/2018

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entitled to the said relief. Direction '(c)' issued by this Court would show that the relief under Section 33-C (2) of the Act was confined to 3 years 372 I.L.R. PUNJAB AND HARYANA 2009(2) immediately preceding the filing of the writ petition and thereafter continuously up to date i.e. the benefit of the directions with regard to the arrears was restricted by this Court. However, direction '(b)' really put a rider as far as the claim of the workman for grant of extra wages for Saturdays is concerned. It said that if the State of Haryana proved before the Labour Court that at the relevant time for which the claim of the workmen is based, any instructions were issued under which the working conditions of the staff member were uniformly prescribed to be six days in a week, then the question of granting monetary benefits would not survive.

* * * * *

(21) Since the question involved in the matter relates to "leave and the employees belonging to the ministerial staff and the industrial staff for the purpose of leave are governed by the Haryana Civil Services Rules and there are no separate rules governing this aspect, there can be no other conclusion except the one that the two categories cannot be treated differently under the same rules unless the rules provide for such different treatment but that also would depend upon the situations envisaged thereunder. Since there are no separate rules governing the conditions with regard to leave, the



W.P. Nos.15063-15065/2018

WEB COPY

workmen belonging to the industrial staff cannot be discriminated with the ministerial staff.”

30. There is no quarrel about the fact that prior to the issuance of G.O. Ms.550 dated 28.5.1985, both the ministerial staff and the technical staff were guided by the same set of working hours. The working hours was changed in G.O. Ms. No.550 dated 28.5.1985 bringing five day work week for the ministerial staff alone. Thereafter, vide G.O. Ms. No.342 dated 15.6.1989, the aforesaid G.O. was revisited in view of the recommendations of the Pay Commission and except for the 2nd Saturday, the other Saturdays were made working days. Thereafter, on the basis of the representation of the ministerial staff, the 5-day work week was reverted to by extending the working hours by half an hour daily by issuance of G.O. Ms. No.67 dated 8.2.1990.

31. It is also to be noted that both the ministerial staff and the technical staff like the respondents/workmen were enjoying 20 days of casual leave. While the working hours of the ministerial staff was changed to accommodate for the off day on Saturday, the casual leave was reduced from 20 days to 12 days. Ironically, without there being any change in the working pattern and timing of



W.P. Nos.15063-15065/2018

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the technical staff, the casual leave was brought down to 12 days for technical staff as well.

32. In the above backdrop, the whole claim of the workmen is based on the non-exclusion of the technical staff from the purview of G.O. Ms. No.550 dated 28.5.1985, G.O. Ms. No.342 dated 15.6.1989 and G.O. Ms. No.67 dated 8.2.1990. However, the whole case of the petitioner is premised on the fact that the ministerial staff and the technical staff are guided by two different set of rules, viz., the Ministerial Service Rules and the Factories Act and, therefore, what is given to the ministerial staff cannot be claimed as a matter of right by the workmen employed in the press, which is governed by the Factories Act.

33. There could be no quarrel with the fact that the ministerial staff and the workmen are guided by two different set of rules, but the fact remains that insofar as their status of employment is concerned, both are Government employees and till the issuance of G.O. Ms. No.585 dated 28.5.1985, they were guided by the same set of working hours irrespective of the rules, which governed their respective employment. Therefore, any change in the working



W.P. Nos.15063-15065/2018

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pattern of the said employees ought to be clearly spelt out in the Government Order. However, as pointed out on behalf of the workmen, the aforesaid three Government Orders are silent about the exclusion of the said Government Orders insofar as the workmen employed in the Government Press are concerned.

34. Further, one important aspect, which requires the attention of this Court is the copy of the letter No.109257A/85-1 dated 31.12.1985 from the Special Secretary to Government, Personnel & Administrative Reforms (FR-3) Dept., reveals that while the change in the office hours pertained only to such of the offices, however, in respect of the number of days of casual leave available was reduced irrespective of the category of employees and was applicable to all Government servants. However, the said letter does not reveal any rationale in arriving at the said decision. Further, this letter runs counter to G.O. Ms. No.550 dated 28.5.1985, wherein there is a categorical assertion that the said Government Order is applicable to all Government Offices. This clearly shows that no discrimination is made between ministerial service and technical service so far as G.O. Ms. No.550 is concerned.



W.P. Nos.15063-15065/2018

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35. In the light of the aforestated position, G.O. Ms. No.67 dated 8.2.1990 had come to be issued, which forms the fulcrum of the claim made by the workmen, wherein, it is the specific case of the workmen that the said Government Order does not discriminate between ministerial staff and technical staff and no exclusion is carved out with regard to technical staff of the Government Press, as none of the Government Orders, which have been issued anterior in point of time excluded the workmen from the technical side from its purview.

36. True it is that the workmen are governed by the Factories Act and the Rules framed thereunder while the ministerial staff are governed by the Ministerial Service Rules. The terms of their employment and the conditions of service of the two arms are totally different, but it is to be pointed out that when the Government Orders till 1985 provided for the same set of working conditions and working hours, inclusive of leave for both the sets of workmen, be it from the technical side or ministerial side, all of a sudden, carving out an exception for the ministerial staff alone by giving Saturday as a holiday while imposing the said day as a working day for the technical staff cannot be comprehended as just and



W.P. Nos.15063-15065/2018

WEB COPY

reasonable when such a reduction in the working hours of the ministerial staff has resulted in the bringing down of their casual leave from 20 days to 12 days, ironically, the said yardstick has also been adopted for the technical staff and without any benefit being conferred upon the technical staff, the technical staff have been deprived of casual leave by eight days by bringing it from 20 days down to 12 days. When the petitioner has made the same applicable across all Government staff, irrespective of the nature of rules which govern them, the petitioner cannot now come and plead before the Court that rules are different for both the ministerial staff and technical staff and, therefore, they cannot claim any benefit what is given to the ministerial staff.

37. From the above, it is beyond cavil that both the ministerial staff and technical staff were treated alike and all of a sudden, after 1985, a divide was made between them with regard to the working hours and also the leave applicable to the employees belonging to both the ministerial side and the technical side. In fact, there is no dispute with regard to the above from the petitioner. The Government Orders also vouch for the said inference drawn by this Court and persons, who were considered alike with regard to all the aspects,



W.P. Nos.15063-15065/2018

WEB COPY

were, all of a sudden, treated differently. To make such a difference, the petitioner tries to bring in the Ministerial Service Rules and the Factories Act and the Rules as would be applicable to the different types of employees.

38. It is to be pointed out at this juncture that even prior to 1985, the Ministerial Service Rules and the Factories Act and the Rules were in existence and governed the field with regard to the classes of employees both on the ministerial side and technical side. At that point of time, the work timings of both the classes of employees were one and the same and with Saturday being a holiday for both the classes of employees. This is not disputed by the petitioner. However, only in the year 1985, more particularly, vide issuance of G.O. Ms. No.550 dated 28.5.1995, the issue of declaration of Saturday as a holiday for the ministerial staff came into being, while there was no exclusion of the technical staff from the ambit and applicability of the said Government Order. Further, as evidenced from the deposition of D.W.1, the leave rules for ministerial staff and technical staff are codified under the Tamil Nadu Leave Rules, which has been referenced in the order of the Tribunal. Though, it is the stand of the petitioner that the ministerial staff are governed by the Tamil Nadu Leave Rules, but the



W.P. Nos.15063-15065/2018

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technical staff are governed by the Industrial Employees leave Rules, however no materials evidencing the same has been produced before this Court, which clearly shows that only to circumvent the finding of the Tribunal, such a stand has been taken. Further, even otherwise, the details of the leave rules nor the leave rules are placed before this Court to find out as to the extent of variance between the two rules. In the absence of any variance being pointed out no inference to the detriment of the workmen can be drawn by this Court. Further, as rightly held by the Tribunal, without making necessary modification to the leave rules, even as per the stand of the petitioner, the same cannot be made applicable to the technical staff. Such being the case, when the ministerial staff were granted certain benefits in the form of holiday on Saturday, by extending the period of work by half an hour daily on and from the issuance of G.O. Ms. No.550, though the casual leave was reduced from 20 days to 12 days, no benefits were granted to the technical staff, but they were robbed of casual leave of 8 days without any leave on Saturday.

39. Further, it is to be pointed out that technical staff as well as the administrative staff work alongside each other, but the work time of the technical



W.P. Nos.15063-15065/2018

WEB COPY

staff is fixed at 8 hours with a six days week with a break of half an hour daily while the work time of the administrative staff is fixed at 8 hours with a five day work schedule. Further it is borne out by record that while casual leave has been reduced for ministerial staff working in the Press from 20 days to 12 days, but granting holiday on Saturday, which confers a benefit, while divests another benefit, the technical staff were divested of 8 days casual leave, but no benefit was conferred by granting Saturday as a holiday or any additional/special pay being made available to the staff on that day. Though it is the claim of the petitioner that pay is paid even for Saturday for the technical staff, it is to be pointed out that the same pay is paid to ministerial staff as well, but they have been given holiday on Saturday and, thereby, this creates a class distinction between two sets of employees, who were enjoying the very same benefits. This is clearly a violation of the equality clause enshrined in the Constitution.

40. In the light of the facts and circumstances as has been narrated above, the next issue that falls for the consideration of this Court is to find out the compensation to which the workmen are entitled to u/s 33-C (2). Once this Court has come to the conclusion that the workmen are entitled for a claim, definitely



W.P. Nos.15063-15065/2018

WEB COPY

there exists a pre-existing right, which could very well be enforced by the workmen to file a petition u/s 33-C (2) and the Tribunal has rightly gone on to appreciate the same to determine the monetary value to which the workmen are entitled to.

41. However, the monetary value arrived at by the Tribunal is merely based on the computation filed by the workmen and no thought has gone into the manner in which such computation is made and whether it is logical and rationale. Things which need to be borne in mind are the fact that in the case of technical staff, their work time is defined and any extended work done by them is compensated in terms of additional compensation or compensatory half. Therefore, beyond the period of 8 hours, which includes a half an hour break, the extra time worked by the technical staff is compensated, but such is not the case with the administrative staff. Though the work period is 8 hours for administrative staff as well with a lunch recess, but hardly, the same is followed, as the nature of work on the administrative front always does not provide the luxuries of enjoying the full lunch recess. Equally, the end of office hours are also not as fixed as that of the technical staff and extended hours are neither



W.P. Nos.15063-15065/2018

WEB COPY

compensated monetarily nor compensated as holidays. Therefore, the difference in the working hours between the technical staff and the administrative staff also requires to be kept in mind while arriving at the monetary benefit to which the technical staff would be entitled on account of Saturday being declared as holiday for the administrative staff.

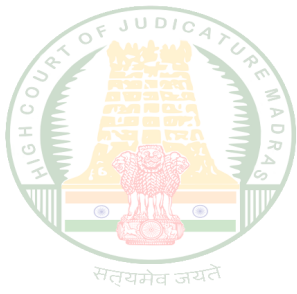
42. It is to be noted that the technical staff are paid for the work which they discharge on Saturday, while compensation is paid to the administrative staff even for the Saturdays during which they don't work. When both the technical staff and administrative staff were guided by the same set of Government Orders and the said Government Orders having not excluded them from the purview of relief on Saturday, when the technical staff are made to work on Saturday, while Saturday is given off for the administrative staff, necessarily compensation has to be given to them over and above the compensation paid to the technical staff as the technical staff render additional work, which requires to be compensated, keeping in mind the work discharged by the technical and administrative staff.



W.P. Nos.15063-15065/2018

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43. The extended period of work discharged by the technical staff on Saturday amounts to 7 ½ hours, as it is a paid holiday for the administrative staff. Vide G.O. Ms. No.67, the working time of the administrative staff had been extended by half an hour daily, making it 2 ½ hours in a week. Further, every day, there is a break of half an hour for the technical staff totalling 2 ½ hours for five days. Deducting the above 2 ½ hours towards extended work and 2 ½ hours break time from the period of work discharged by the technical staff on Saturday, the balance portion of time which the technical staff functions in addition to the work discharged by the administrative staff works out to 2 ½ hours every week for which the petitioner is liable to compensate the respective workmen, as they are entitled to parity with the administrative staff in terms of compensation for the work discharged by the technical staff. Therefore, this Court holds that the technical staff, viz., the workmen/respondents herein, are entitled to monetary compensation for 2 ½ hours every week for the work done by them on Saturday so as to ensure equality with the administrative staff which could very well be computed and paid to them in monetary terms u/s 33-C (2) of the Act.



W.P. Nos.15063-15065/2018

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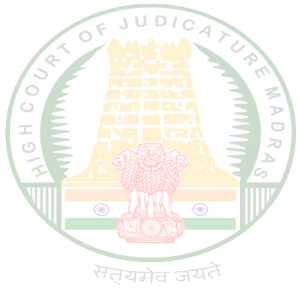
44. Accordingly, the orders impugned in the present writ petitions are set aside and the award stands modified by directing the petitioner to compute the wages for 2 ½ hours every week for each workmen towards the additional work discharged by them on Saturday during the period 1.10.2007 to 30.09.2010 and pay the same to the respective workmen within a period of eight weeks from the date of receipt of a copy of this order. Failing compliance to pay the amount within the period prescribed above, the workmen would be entitled for interest at 8% p.a. on the compensation to which they are entitled from 1.10.2007 till the date of payment.

45. The writ petitions are disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

09.04.2025

Index : Yes / No

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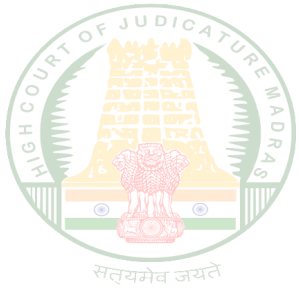


W.P. Nos.15063-15065/2018

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To

1. The Presiding Officer,
3rd Additional Labour Court
City Civil Court Building,
High Court Campus, Chennai-104.
2. The Secretary
Tamil Development and Information Department
Fort St. George
Government of Tamil Nadu
Secretariat, Chennai-9.
3. The Director
Directorate of Stationery and Printing
110, Anna Salai, Chennai-2.



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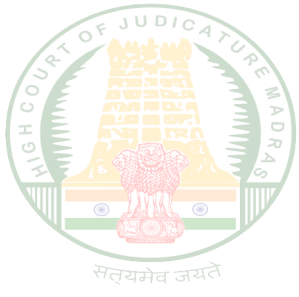


W.P. Nos.15063-15065/2018

M.DHANDAPANI, J.

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W.P. NOS. 15063 TO 15065 OF 2018



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W.P. Nos.15063-15065/2018

09.04.2025