

W.P. Nos. 25855 & 26102 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 25855 & 26102 of 2019

and

W.M.P. Nos. 25296, 25298, 25473 & 25475 of 2019

W.P. No. 25855 of 2019:-

- 1.G.M.Amul
- 2.P.Janaki
- 3.M.G.Anbu
- 4.D.Devaki
- 5.K.Indra
- 6.R.Selvi
- 7.B.Janaki
- 8.A.Joan Evangelin
- 9.A.V.Yallari Ramana Kumari
- 10.R.Chitra
- 11.E.Ammu
- 12.S.Sutha
- 13.V.Kalaimathy
- 14.G.Pawlin Rekha
- 15.A.Vinodhini
- 16.D.V.Oormila
- 17.S.Manimegalai
- 18.A.Merlin Daya
- 19.S.Ezhilarasi
- 20.P.N.Sandhya
- 21.M.Priya
- 22.R.V.Revathi
- 23.B.Yogalakshmi
- 24.L.Jemema
- 25.M.Mavi Sherly
- 26.V.Sivaparvathi



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27.S.Monisha

28.J.Hepsiba

29.S.Lavanya

30.M.Selvi

31.R.Devi

32.H.Madhavi

33.S.Dhurka Devi

... Petitioners

-VS-

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai-600003.

2. The Deputy Commissioner
Health Department
Greater Chennai Corporation (North)
Chennai-600003.

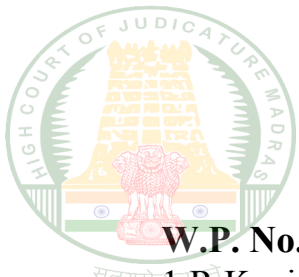
3. The City Health Officer
Public Health Department
Greater Chennai Corporation
Chennai-600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 29.07.2019 and to grant them pay on par with regular employees of the respondent Corporation doing same or similar work and further regularize the service of the petitioners in the post of Lab Technician in the respondent Corporation by bringing them into time scale of pay together with other consequential benefits.

For Petitioners : Mr.K.S.Viswanathan

For Respondents : Mr.Aswini Devi, Standing Counsel (RR1&2)
Mr.A.C.Manibharathi (R3)



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W.P. No. 26102 of 2019:-

- 1.R.Kavitha
- 2.J.Kumaravelu
- 3.S.Sumathi
- 4.P.Jancy Rani
- 5.A.Hemalatha
- 6.R.Sathagandhi
- 7.R.Ezhilarasi
- 8.N.Sakthi Gayathiri
- 9.K.U.Kamalahasini
- 10.M.Ramesh
- 11.V.Munirathnam
- 12.N.Ramya
- 13.J.Ranganathan
- 14.R.Nivetha
- 15.S.Indhumathi
- 16.R.Padmaja
- 17.Fayaz Basha
- 18.D.Ashok Kumar
- 19.K.Veerammadevi

... Petitioners

Vs.
-vs-

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai-600003.
2. The Deputy Commissioner
Health Department
Greater Chennai Corporation (North)
Chennai-600003.
3. The City Health Officer
Public Health Department
Greater Chennai Corporation
Chennai-600003.

... Respondents



W.P. Nos. 25855 & 26102 of 2019

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 29.07.2019 and to grant them pay on par with regular employees of the respondent Corporation doing same or similar work and further regularize the service of the petitioners in the post of Pharmacist in the respondent Corporation by bringing them into time scale of pay together with other consequential benefits.

For Petitioners : Mr.K.S.Viswanathan, Senior Counsel
for Ms.T.Hemalatha

For Respondents : Ms.Aswini Devi, Standing Counsel (RR1&2)
Mr.A.C.Manibharathi (R3)

C O M M O N O R D E R

The petitioners have been filed directing the respondents to consider the representation of the petitioners dated 29.07.2019 and to grant them pay on par with regular employees of the respondent Corporation doing same or similar work and further regularize the service of the petitioners in the post of Lab Technician in the respondent Corporation by bringing them into time scale of pay together with other consequential benefits.

2. Heard Mr.K.S.Viswanathan, learned Senior Counsel assisted by Ms.T.Hemalatha, learned counsel for the petitioners and Ms.Aswini Devi,



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learned Standing Counsel for the first and second respondents and

Mr.A.C.Manibharathi, learned counsel for the third respondent and perused the

materials placed on record, apart from the pleadings of the parties.

3. The learned Senior Counsel for the petitioners submitted that the petitioners have been appointed in permanent vacancy on contract basis by the respondent Corporation in the posts of Pharmacist /Lab Technician on various dates between the year from 2014 and 2019. The petitioners have been given with the consolidated pay of Rs.8,500/- and 10,000/- respectively together with Provident Fund and ESI benefits. The petitioners possess requisite qualifications and they have also undergone Technical Training. Despite the respondent Corporation has got huge permanent vacancies in the post of Pharmacist and Lab Technician for several years, the petitioners' services have been utilized for several years without making them permanent. Though the petitioners have given representations in this regard, they were not considered sofar.

4. The learned Senior Counsel for the petitioners submitted that the petitioners have also performed similar functions executed by the permanent employees, but they have been given with less wages than the permanent



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workers. It is submitted that '*equal work carries equal pay*'. Just because in

some posts the persons are engaged on temporary basis cannot deprive them from getting wages on par with permanent employees on the basis of the principle of 'equal pay for equal work'. In this regard, it is relevant to cite the judgment of the Hon'ble Supreme Court in ***State of Punjab -vs- Jagjit Singh*** reported in **(2017) 1 SCC 148**, wherein the Hon'ble Supreme has held as under:

“58. In our considered view, it is fallacious to determine artificial parameteres to deny fruits of labour. An employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities. Certainly very ”

The above judgment has been followed in various subsequent judgments of the High Courts and referred in various orders of the Hon'ble Supreme Court also. In this regard, it is also relevant to cite the judgment of the Hon'ble Supreme Court in ***Sabha Shankar Dube -vs- Divisional Forest Officer*** reported in **(2019) 12 SCC 297**. In the said judgment also ***State of Punjab -vs- Jagjit Singh*** has been followed.

5. This Court has also passed an order in ***R.Rajaselvan -vs- State of Tamil Nadu*** reported in **2019 SCC OnLine Mad 29436** by granting similar benefits to the persons who are working as NMR engaged by PWD for performing



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works in the Court premises.

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6. The learned Standing Counsel for the respondents submitted that there is no employer and employee relationship between the petitioners and the respondent Corporation and the petitioners have been sponsored through the private contract agency in order to serve under National Urban Health Mission Scheme, which is funded by the Government of India.

7. The respondent Corporation may get funds from State and Central Government in respect of various schemes. Hence, it may be also possible for the respondent Corporation to recruit appropriate persons temporarily through PWD to perform those works. But that will not take away the relationship between those recruits and the respondents as that of employees and employer. For the very reason, the funds of the Central Government are not given to the private contractors but only to the Corporation and the Corporation, in turn pays to the employees. It may be true in certain cases, the petitioners' names could have been sponsored through the respondent Corporation, but that does not deprive the petitioners from getting benefit of 'equal pay for equal work' as other similarly persons are given in other departments.



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8. In view of the above stated reasons, these writ petitions are allowed. The

respondents are directed to consider the representation of the petitioners dated 29.07.2019 and to grant them pay on par with regular employees of the respondent Corporation doing same or similar work and further regularize the service of the petitioners in the post of Pharmacist /Lab Technician in the respondent Corporation by bringing them into time scale of pay together with other consequential benefits from the date of filing of the writ petition.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

27.03.2025

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai-600003.
2. The Deputy Commissioner
Health Department, Greater Chennai Corporation (North)
Chennai-600003.
3. The City Health Officer
Public Health Department
Greater Chennai Corporation
Chennai-600003.



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R.N.MANJULA, J.

Maya

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