



W.P.(MD).No.5698 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.5698 of 2019

1.A.Raja

2.I.Niamath Basha

3.K.Murugesan

4.T.Ramesh Babu

5.L.Murugesan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and Water Supply Department,
Fort. St.George,
Chennai – 600 009.

2.The Commissioner,
Madurai Municipal Corporation,
Madurai.

3.B.Deivasigamani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2nd respondent to revise the salary of the petitioners on par with the similarly placed person in the post of Helper namely the 3rd respondent herein in the basic pay of Rs.8180-2400 (Gross Amount



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Rs.25,989/-) as per pay slip August 2017 and further directing the 1st respondent to pay arrears of salary w.e.f. 22.08.2014 with interest at the rate of 12% per annum in compliance of the order passed by this Court in W.P. (MD).No.1821 of 2009 dated 22.08.2014 by considering the representation of the petitioners dated 28.12.2018 within a time frame fixed by this Court.

For Petitioners : Mr.D.Kirubakaran
for M/s.B.Saravanan Associates

For R-1 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R-2 : Mr.S.Vinayak
Standing Counsel

ORDER

The writ petitioners have come forward with the Writ of Mandamus seeking revision of their salary on par with the third respondent.

2. According to the petitioners, the third respondent and the petitioners were appointed as NMRs in the Corporation of Madurai between 1992 and 1994. They were assigned to attend the street light work and subsequently, the electrical section of the Corporation was taken over by the Tamil Nadu Electricity Board, thereby, resulting in non-engaging the petitioners as well as the third respondent. Subsequently, a decision was taken to regularise the service of the petitioners as well as similarly placed persons in the post of



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unskilled labourers. Accordingly, various posts including the post of Helper and Wireman were created and the third respondent was appointed as Helper.

3. Since the third respondent is a similarly placed person, who has been receiving higher pay than the petitioners, they are also entitled for similar pay, whereas, they have been discriminated in pay parity. Hence, they have come forward with the Writ Petition seeking direction to revise the salary of the petitioners on par with the third respondent.

4. The learned Standing Counsel for the Corporation submits that the third respondent could not be compared with the petitioners herein, since he was appointed as Helper based on his qualification and his services have also been regularised much prior to the petitioners. He further submitted that it is true that originally they were all engaged as NMRs, but after the abolition of the Electricity Wing of the Corporation, the petitioners and similarly placed persons, who were working as NMRs attending the maintenance work of the street lights, have lost their work and subsequently, the Corporation had come up with a proposal to regularise their service by accommodating them in various posts.



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5. In this regard, the learned Standing Counsel has also produced the proceedings dated 21.11.2007 issued in favour of the third respondent, namely, B.Deivasigamani and also with regard to other persons, namely, one V.Arunachalam Vadivel. The learned Standing Counsel would further submit that the third respondent is not junior or a person, who is similarly placed with the petitioners. As the third respondent was appointed in the post of Helper on 21.11.2007 based on his qualification while the petitioners herein were appointed as unskilled labourers on the said date and pursuant to the directions of this Court in W.P.(MD).No.1821 of 2009, they were appointed as Helpers on 06.10.2015 and their salary was fixed notionally from 28.11.2007. Hence, they cannot seek for pay parity with the third respondent.

6. I have considered the submissions made on both sides and perused the materials available on record.

7. The appointment order issued in favour of the third respondent and another would reveal that originally till the year 1997, the Electrical Wing of the Corporation was in existence and the petitioners were engaged as NMRs from the year 1992. Subsequently, due to taking over of the electrical wing by the Tamil Nadu Electricity Board, the Corporation has decided to provide



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alternative employment to the petitioners and similarly placed persons for the purpose of doing other works of the Corporation. However, the decision of the Corporation was challenged by the third respondent and 21 others before this Court and in Contempt Petition No.423 of 2004, directions were issued to the Corporation to engage the temporary employees in the post of Wireman and Helper based on their qualification and those who are not qualified for the above posts are directed to be engaged as unskilled labourers of the Corporation. Based on the above directions, since the third respondent was having a qualification to be appointed as Helper, he was appointed in the time scale of pay with effect from 21.11.2007. However, subsequently, the petitioners herein have approached this Court by filing Writ Petition seeking similar appointment in W.P.(MD).No.1821 of 2009 and as per the order passed therein, the petitioners were appointed as Helpers in the street light maintenance division vide proceedings dated 30.09.2015 and their pay was notionally fixed (Rs.5200-20,200 + 2400 G.P.) from 28.11.2007. It is stated that the petitioners have agreed to forego monetary benefits.

8. Admittedly, the third respondent was appointed on 21.11.2007 much prior to the petitioners and received annual increments in the year 2008 and due to pay revision, his basic salary with increment is higher than that of the



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petitioners and the same cannot be termed as disparity. Hence, this Court finds no merits in the claim of the petitioners and they are not entitled for pay parity with the third respondent.

9. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

14.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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2.The Commissioner,
Madurai Municipal Corporation,
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K.RAJASEKAR,J.

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