

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7956/2006

(From the judgement and order dated 08/12/2005 in WP No. 45230/2002 of The
HIGH COURT OF MADRAS)

A. ALPHONSE

Petitioner(s)

VERSUS

SECRETARY TO THE GOVT. & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 26/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Jitendra Sharma,Sr.Adv.

Mr. B.K. Pal,Adv.

Mr. p.N. Jha,Adv.

For Respondent(s) Mr. R. Mohan,ASG

Mr. V.G. Pragasam,Adv.

Mr. S. Vallinayagam,Adv.

Mr. S. Prabu Ramasubramanian,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(Ganga Thakur)
PS to Registrar

(Pushap Lata Bhardwaj)
Court Master

(signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007
(Arising out of SLP(C) No. 7956/06)

A. ALPHONSE

...APPELLANT (s

)

Versus

SECRETARY TO THE GOVT. & ORS.

...Respondent (s

)

O R D E R

Leave granted.

f the This appeal is directed against a judgment and order o

Division Bench of the High Court of Judicature at Madras dated 8.12.2005

whereby and whereunder the writ petition filed by the respondent herein,

questioning the correctness or otherwise the judgment and order dated 1st

July passed by the Tamil Nadu Administrative Tribunal at Chennai allowing

the original application filed by the applicant, was allowed.

From a perusal of the judgment of the Tribunal, it appears that

the original application filed by the appellant herein was allowed relying on

in or on the basis of a judgment of the Madras High Court passed writ

petition No. 5002/90 and writ petition No.16096/91 dated 7.3.1997. The

State filed a writ petition thereagainst before the High Court.

The High Court by reason of the impugned judgment opined:

From the above discussion, it is clear that the first respondent has not proved that no iota of factor makes

difference between the category of Work Inspector in P.W.D. and TAWD Board in all facts and nature of work and therefore, in the light of the above principles laid down by the Supreme Court, we are of the view that the noble principle of "Equal pay for Equal work" is not applicable to the case of the first respondent and that the first respondent Association is not entitled for

the benefit given to the petitioner in W.P. No. 5002 of 1992, thereby the order of the Tribunal which rendered a non-speaking order, is liable to be set aside.

As the appellant herein admittedly did not adduce any evidence in support of his claim, we are of the opinion that the permission may be

granted to him to do so. It goes without saying that all contentions of the

parties on the basis of such evidence which may be adduced shall remain

open. Both the judgments of the High Court, as also of the Tribunal are set

aside. The matter is remanded back to the Tribunal.

The appeal is disposed of accordingly.

.....J.

(S.B. SINHA)

.....J.

(MARKANDEY KATJU)

New Delhi,

March 26, 2007.