

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19359 of 2015

N.Natarajan

... Petitioner

-Versus-

The General Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
Chennai 600 002.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 10.02.2015 and fix correct wages and to pay arrears of wages from January 2011.

For petitioner : Mr.S.Ravi

For Respondent : Mr.P.Kannan Kumar

ORDER

The petitioner was a Security Guard in the respondent corporation. He was imposed with a punishment of reduction to the lower scale of pay for a period of ten years by order dated 14.10.2000 by the respondent. According to the petitioner, he took up the matter before the Labour court through his union by raising an industrial dispute. The Additional Labour Court, Chennai, by award in ID No.340 of 2004 dated 19.03.2010 set aside the punishment on 19.03.2010. As against the said order, the respondent corporation filed a writ petition in W.P.No.24657 of 2010 before this court and the same is pending. In the mean time, the punishment period was over by December 2010. The grievance of the petitioner is that despite he made a representation on 10.02.2015 which was received by the management on 12.02.2015 for re-fixation of wages, no order has so far been passed by the respondent. In these circumstances he has come forward with this writ petition seeking for a direction to the respondent to fix him appropriate pay after the punishment period was over.

2. The learned counsel for the petitioner has submitted that even assuming that the writ petition filed by the management is allowed and the award passed by the labour court is set aside, the pay of the petitioner has to be re-fixed in the year 2010 after the punishment period was over.

<https://hcservices.ecourts.gov.in/hcservices/>

3. I have heard the learned counsel appearing for the respondent as well.

4. I am in entire agreement with the submission made by the learned counsel for the petitioner. The respondent is not only prolonging the matter without re-fixing the pay of the petitioner despite the

representation from the petitioner in this regard, but also, the respondent has unnecessarily driven the petitioner to approach this court in order to get his pay re-fixed from the year 2010, i.e., after the punishment period was over. Thus, this court in order to meet the ends of justice is inclined to issue a positive direction to the respondent to re-fix the pay of the petitioner appropriately.

5. In the result, the writ petition is disposed of with a direction to the respondent to re-fix the pay of the petitioner appropriately based on his representation dated 10.02.2015 and also in the light of the aforesaid fact within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The General Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,Pallavan Salai,
Chennai 600 002.

+1cc to M/s. S. Ravi, Advocate, S.R.No.32740

UG(CO)
EU(06/07/2015)

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