

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33647 of 2018

and

W.M.P.No.39052 of 2018

1.C.Anitha Delpin
2.A.Mubarak Banu
3.P.Mahila
4.A.Indragandhi
5.R.Jagan Mohan
6.R.Sarala
7.T.Rajan

... Petitioners

Vs

The Metropolitan Transport Corporation, Chennai
No.2, Pallavan Salai,
Chennai-600 002

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondent Corporation to place the petitioners in time scale of pay with effect from 3 years from the date on which they were recruited on compassionate grounds as Non ITI helper/trainees and pay them the difference in salary as arrears with effect from the said date, including the increment, night duty wages, off duty wages, leave wages, bonus, revision and all superannuation benefits and award interests at 12% in respect of arrears payable.

For Petitioners : Mr.V.Prakash, Senior Counsel
for Mr.P.Ganeshram

For Respondent : Mrs.Rajeni Ramadoss,
Standing Counsel

O R D E R

This writ petition has been filed seeking direction to the respondent corporation to place the petitioner in the time scale

of pay with effect from three years from the date on which they were recruited on compassionate grounds as Non ITI helper / trainees and pay them the different in salary as arrears with effect from the said date, including the increment, night duty wages, off duty wages, leave wages, bonus, revision and all superannuation benefits and award interests at 12% in respect of arrears payable.

2. Ms.Rajeni Ramadoss, Standing Counsel takes notice on behalf of the respondents and submits that the Division Bench of this Court, by the judgment dated 04.09.2018 in W.A.No.1734 of 2018 has held as follows.

"Though the respondents were appointed on consolidated pay during the years 1997 and 1998 respectively, and they have been working without any break continuously, their regularisation was postponed, due to the ban on Government Recruitment and they came to be brought under the time scale of pay on 01.09.2005 by the appellant. We find no error or illegality in the said regularisation. However, considering their continuation of service on consolidated pay from the date of their initial appointment, we are of the view that the period during ban has to be treated as one for continuity of service for pension benefits."

3. Learned counsel for the petitioner would submit that the ends of justice would be met if the petitioners, who were similarly placed, are granted the same relief.

4. Under the circumstances, the respondents are directed to consider the plea of the petitioners and grant the benefits in the light of the judgment dated 04.09.2018 in W.A.No.1734 of 2018, if found eligible. The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

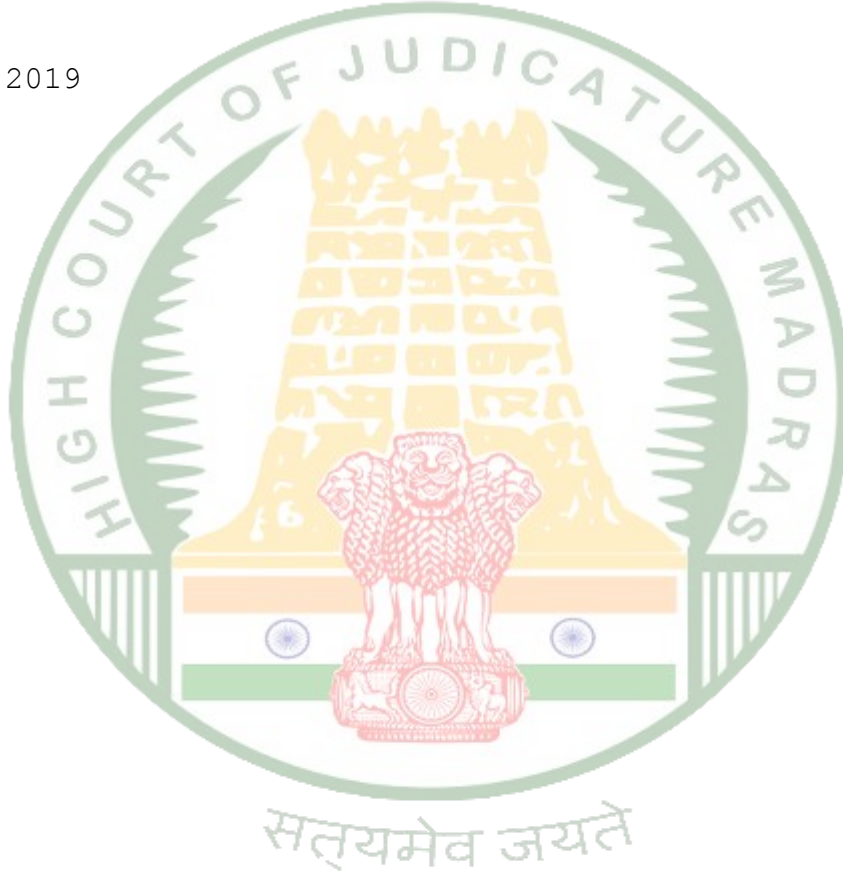
To

The Metropolitan Transport Corporation, Chennai
No.2, Pallavan Salai,
Chennai-600 002

+1 cc to M/s.S.Rajeni Ramadass, Advocate Sr.No.89421

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SAI (CO)
CSL/21.01.2019



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