



WEB COPY

Cont.P.No.2067/2017

In the High Court of Judicature at Madras

Dated : 06.12.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Contempt Petition No.2067 of 2017

R.Sudhakar, Conductor

...Petitioner

Vs

Thiru.Krishnasamy, Managing
Director, Metropolitan Transport
Corporation (Chennai) Ltd.,
Anna Salai, Pallavan Illam,
Chennai-2

...Respondent

PETITION under Section 11 of the Contempt of Courts Act to punish the respondent for disobeying the order of this Court in W.P.No.39650 of 2015 dated 28.1.2016.

For Petitioner : Mr.S.T.Varadarajulu

For Respondent : Mr.M.Chidambaram

ORDER

The contempt petition has been filed alleging willful disobedience of the order and direction issued in W.P.No.39650 of 2015 dated 28.1.2016.

2. The said writ petition was filed by the respondent - management challenging rejection of the approval sought for by the management to dispense with the services of the petitioner - workman, who was working as a reserve conductor. The approval petition was filed in the year to



approve the order of dis-entitlement from the date of unauthorized absence. The approval petition was pending before the authority concerned from 2011 to 2014 and by order dated 10.7.2014, the approval petition was rejected. Consequently, the respondent - management had to restore the services of the petitioner - workman.

3. The respondent management challenged the said order dated 10.7.2014 passed by the authority concerned by filing the said writ petition, which was partly allowed by directing the respondent - management to impose a minor penalty. Accordingly, the respondent - management passed an order reinstating the petitioner workman as regular conductor in the time scale of pay.

4. Now, the petitioner workman would contend that he is entitled to back wages by taking into consideration the period of absence from 2011 till the date of appointment as a fresh entrant pursuant to the order dated 06.9.2016.

5. In my considered view, since the petitioner was earlier working as a reserve conductor, the question of counting the period from 2011 till the order of appointment for the purpose of continuity of service and back wages would not arise, as, a reserve conductor cannot claim, as a matter of right, to have been assigned employment because services of the reserve conductor are utilized as and when need arises. Therefore, this Court finds that no contempt is made out.



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6. Accordingly, the above contempt petition is dismissed.

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SD/-

ASSISTANT REGISTRAR (COMM.CASES)

rs

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/08/01/2020

To

The Managing Director,
Metropolitan Transport
Corporation (Chennai) Ltd.,
Anna Salai, Pallavan Illam,
Chennai-2