



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twelfth day of February Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE D. KRISHNAKUMAR

W.M.P.NOS.2690, 2695, 2699, 2703, 2711 OF 2020 & 27392 OF 2016

IN W.P.NO.41049 OF 2015

S.WILLIAMS ... PETITIONER in WMP No.2690 of 2020

S/O.A.SELVANATHAN NO.27/6 86TH STREET
WEST PUDHUR ASHOK NAGAR CHENNAI-600083.

MYMOON BEEVI M.I. ... PETITIONER in WMP No.2695 of 2020

D/O.MOHAMMED ISMAIL NO.42/85 E.BANGARU
STREET AYANAVARAM CHENNAI-600 023.

M.DEIVASIGAMANI ... PETITIONER in WMP No.2699 of 2020

S/O.R.MADHAVAN NO.22 SUPRABATH FLATS. C1
1ST FLOOR PERUMAL KOIL WEST MADA STREET
SAIDAPET CHENNAI-15.

S.VENKATARAMAN ... PETITIONER in WMP No.2703 of 2020

S/O.R.SRINIVASAN NO.19 WEST SIVAN KOIL
STREET VADAPAZHANI CHENNAI-600026.

T.S.SOMASEKARAN ... PETITIONER in WMP No.2711 of 2020

S/O.T.N.SADHANANDHAN NO.17-A 1ST STREET
KRISHNA NAGAR KOLATHUR CHENNAI-600099.

D.KANCHANA ... PETITIONER in WMP No.27392 of 2016

D/O.DASAPPA NO.38 VELMURUGAN NAGAR 3RD
STREET SURAPET MAIN ROAD PUTHAGARAM
CHENNAI-600 099.

Vs

1 B.JAYAPRAKASH ... RESPONDENTS in WMP No.2690 of 2020

NO.14 4TH STREET PTC COLONY THIRUVANMIYUR
CHENNAI 41

2 N.PARIMALA
NO.1/6 ROUND BUILDING COLLECTOR NAGAR
ANNA NAGAR WEST CHENNAI

3 V.T.JAYANTHI
NO.48 RAJA SHANMUGAM NAGAR III STREET
THIRUVOTTRIYUR CHENNAI



- 4 K.KAMELIYA
NO.27 7TH MAIN ROAD VELACHERY CHENNAI 42
- 5 C.P.USHAKUMARI
NO.5 VARADARAJAPURAM 4TH CROSS STREET
PALLIKARANAI CHENNAI
- 6 J.PERPETUVAJAYARANI
NO.242 3RD STREET SHASTRI NAGAR
VYASARPADI CHENNAI 39
- 7 MANIMOZHI
PLOT NO.4 KARTHIK NAGAR MADAMBAKKAM
GUDUVANCHERY CHENNAI
- 8 A.MALLIGA
NO.14/7 31ST STREET AGASTHIAR NAGAR
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- 9 V.SYAMALASUNDARI
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- 10 M.BALAJI
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NO.193 4TH STREET RAJESWARI NAGAR
KELAMBAKKAM CHENNAI 103
- 13 A.D.MADANAGOPAL
NO.1/193 GANDHI STREET SHOLAVARAM CHENNAI
67
- 14 M.SARAVANAN
NO.74/23 GOVINDASAMY STREET PERAMBUR
CHENNAI 11
- 15 THE METROPOLITAN TRANSPORT
CORPORATION REP. BY ITS MANAGING DIRECTOR
CHENNAI 600 002.
- 16 THE GENERAL MANAGER
THE METROPOLITAN TRANSPORT CORPORATION
(CHENNAI) LTD. CHENNAI 2
- 17 D.KANCHANA
STAFF NO.A40001



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20 D.ALLIRANI
STAFF NO.A50410

21 G.PUNITHAVATHI
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22 P.M.PANKAJAM
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23 D.KALAISELVI
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24 IMMANUEL SAMSON RAJA
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STAFF NO.A17052 RESPTS 3 TO 16 ARE REP BY
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83 BHAGAVATHI NAGAR 2ND STREET
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10102 KKR TOWN KODUNGAIYUR CHENNAI-118.
- 37 G.SATHIYANARAYANAN
STAFF NO.A15012 S/O.M.GOVINDAN NO.
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JAMALIA CHENNAI-600 017.
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STAFF NO.A17084 NO.46 THIRUVALLUVAR
STREET MGR NAGAR CHENNAI-76.
- 43 BENJAMIN
STAFF NO.A50507 1/982 NSE BOSE STREET
BHARATHI NAGAR RED HILLS CHENNAI-600 052.
- 44 CHITRA
STAFF NO.A17074 W/O.T.SENTHIL MURUGAN
F2 MARIYA HOME NEW NO.20 OLD NO.191
DESIGAR STREET VADAPALANI CHENNAI-600 026.



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4TH CROSS STREET PALLAVAN NAGAR
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85 MUGAPPAIR WEST CHENNAI-50.
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THE METROPOLITAN TRANSPORT
CORPORATION REP. BY ITS MANAGING DIRECTOR



CHENNAI 600 002.

16 THE GENERAL MANAGER
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WEB COPY

17 D.KANCHANA
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10102 KKR TOWN KODUNGAIYUR CHENNAI-118.



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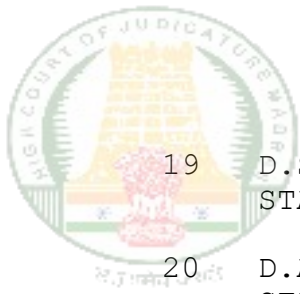


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B.JAYAPRAKASH ... RESPONDENTS in WMP No.27392 of 2016
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THE METROPOLITAN TRANSPORT
CORPORATION (CHENNAI) LTD. REP. BY ITS
MANAGING DIRECTOR CHENNAI-600002.



16 THE GENERAL MANAGER
THE METROPOLITAN TRANSPORT CORPORATION
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Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to

(1) WMP No.2690 of 2020

To vacate the order of status quo granted in MP.No.3 and 4 of 2015
in Wf.NO. 41049 of 2015 dated 29.12.2015 in respect of me and



directed the 1st and 2nd respondent to pay superintendent salary as per the order made in the WMP.No. 27392 of 2016 dt 7.10.2016 and in consequent revise all retirement benefits and pension benefits as applicable to superintendent category i.e from the date of Superintendent order issued on 22.12.2015

(2) WMP No.2695 of 2020

To vacate the order of status quo granted in MP.No.3 and 4 of 2015 in WP.No. 41049 of 2015 dated 29.12.2015 in respectof me and directed the 1st and 2nd respondent to pay superintendent salary as per the order made in the WMP.No. 27392 of 2016 dt 7.10.2016 and in consequent revise all retirement benefits and pension benefits as applicable to superintendent category i.e from the date of Superintendent order issued on 22.12.2015

(3) WMP No.2699 of 2020

To vacate the order of status quo granted in MP.No.3 and 4 of 2015 in WP.No. 41049 of 2015 dated 29.12.2015 in respectof me and directed the 1st and 2nd respondent to pay superintendent salary as per the order made in the WMP.No. 27392 of 2016 dt 7.10.2016 and in consequent revise all retirement benefits and pension benefits as applicable to superintendent category i.e from the date of Superintendent order issued on 22.12.2015

(4) WMP No.2703 of 2020

To vacate the order of status quo granted in MP.No.3 and 4 of 2015 in WP.No. 41049 of 2015 dated 29.12.2015 in respectof me and directed the 1st and 2nd respondent to pay superintendent salary as per the order made in the WMP.No. 27392 of 2016 dt 7.10.2016 and in consequent revise all retirement benefits and pension benefits as applicable to superintendent category i.e from the date of Superintendent order issued on 22.12.2015

(5) WMP No.2711 of 2020

To vacate the order of status quo granted in MP.No.3 and 4 of 2015 in WP.No. 41049 of 2015 dated 29.12.2015 in respectof me and directed the 1st and 2nd respondent to pay superintendent salary as per the order made in the WMP.No. 27392 of 2016 dt 7.10.2016 and in consequent revise all retirement benefits and pension benefits as applicable to superintendent category i.e from the date of Superintendent order issued on 22.12.2015

(6) WMP No.27392 of 2016

To Vacate the Interim Order of Status Quo granted in MP No.3 of 2015 in WP No.41049 / 2015 dated 29.12.2015.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.D.VEERASEKHARAN, Advocate (in W.M.P.NOS.2690, 2695, 2699, 2703, 2711 OF 2020) and of M/S. V.S.JAGADEESAN, ADVOCATE IN WMP.NO.27392 OF 2016 for the petitioner and of MR.K.MOORTHY, ADVCOATE FOR 15 & 16 Respondents and of MR. P.SATHISHKUMAR, ADVCOATE on behalf of the Respondents the court made the following order:-



These Writ Miscellaneous Petitions are filed to vacate the interim Order of status quo granted in M.P.No.3 of 2015 in W.P.No.41049 of 2015.

2. The main grievance of the vacate petitioners is that they were promoted as Superintendent as per memo dated 22.12.2015 of the first respondent and joined and worked as Superintendent till their retirement. Further averment of the petitioners is that they are not paid the scale of pay of Superintendent from the date of joining in the Corporation and also they have not been settled pensionary benefits in the cadre of Superintendent. According to the vacate stay petitioners by virtue of interim Order granted by this Court Ordering status quo, the pensionary benefits has not been disposed to the petitioners in the cadre of Superintendent. Hence, prayed to vacate the interim stay granted on 29.12.2015.

3. The learned counsel for the contesting respondent submitted that in view of the above fact that the petitioners were promoted to the post of Superintendent and they worked in the said post till their retirement, without prejudice to the rights of the private respondent, the respondent Corporation can consider the claim of the petitioners.

4. The learned standing counsel appearing for the respondent Corporation would submit that if the petitioners made individual representation to the respondent Corporation, the said amount will be settled to the petitioners by considering the claim of the petitioner as per their entitlement.

5. It is also brought to the notice of this Court that by Order dated 07.10.2016, this Court had issued interim direction to pay salary to the petitioners. However, the same is subject to the result of the writ petition and they cannot claim any equity.

6. Therefore, in the light of the aforesaid Order passed by this Court, the respondent Corporation is directed to consider the individual claim of the petitioners for granting salary and terminal benefits as claimed by the petitioners pay in accordance to their entitlement as expeditiously as possible, if any individual claim is made to the Corporation. The aforesaid settlement of the terminal benefits and other pay shall be subject to the outcome of the Orders to be passed in the Writ petition.

7. Accordingly, all the vacate stay petitions are closed.

8. The registry is directed to post the main writ petition on 10.03.2020 for final disposal.

-sd/-

12/02/2020

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE METROPOLITAN TRANSPORT
CORPORATION, REP. BY ITS MANAGING DIRECTOR,
CHENNAI 600 002.

2 THE GENERAL MANAGER
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(CHENNAI) LTD., CHENNAI 2

C.C. to M/S.D.VEERASEKHARAN Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

in
W.M.P.NOS.2690, 2695, 2699, 2703, 2711 OF 2020
& 27392 OF 2016
IN W.P.NO.41049 OF 2015

Date :12/02/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (04/03/2020)P