



WEB COPY



W.P.No.318 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.318 of 2020

P.Devaraj
Driver, Staff No.D 16275
Gangadevakuppam
Sembilipuram Post
Cheyyur Taluk
Kanchipuram District 603 304

... Petitioner

/Vs/

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai
Chennai 600 002.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondent to revise the salary of the Petitioner by taking note of increment, intervening settlement benefits, review benefits for the non employment period.

For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.R.Balaji



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondent to revise the salary of the Petitioner by taking note of increment, intervening settlement benefits, review benefits for the non employment period.

2.Heard Mr.S.T.Varadarajalu, learned counsel appearing for the Petitioner, Mr.R.Balaji, learned counsel appearing for Respondent.

3.The Petitioner who was dismissed from service got reinstated subsequently, in view of the order of the approving authority and subsequent order was passed by this Court in W.P.No.8550 of 2018 dated 01.10.2018. In the said Writ Petition following order has been passed:

“8. In the light of the agreement reached by both sides, the following order is passed. In these Writ Petitions:

“(i)Reinstatement of the workmen is ordered and that would be without any monetary benefits from the date of dismissal till the date of reinstatement. However, the workmen will be entitled to current wages from the date of their jointing.



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(ii) During the period of non-employment, the contribution payable to the Pension Fund Trust by the employer shall be paid. Employee are not entitled to bonus for the period of non-engagement/non-employment.

(ii) The workmen are entitled to the benefits of intervening 12(3) settlement. The continuity of service, increment due and other benefits shall be on notional basis for the purpose of calculation of eligible period of pension.

(iv) The workmen shall report, for duty on or before 22.10.2018, subject to medical fitness.”

4. Now the grievance of the Petitioner is that the Respondent Corporation without properly implementing the order of this Court, has chosen to give him a salary which was drawn by him at the time when he was terminated from service.

5. When the order itself is clear that the Petitioner is entitled to current wages with continuity of service, that order has to be implemented by the Respondent in the manner that the Petitioner is entitled to get the same wages, which is being drawn by the other employees of his nature. Eventhough the



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Petitioner has not given with the benefit of getting the backwages, the continuity of service should not be denied to him. In such circumstances, there is no justification on the part of the Respondent to withheld the correct wages to the Petitioner.

6.Since the Respondent's action is contrary to the orders passed by this Court in the above stated Writ Petition, the representation of the Petitioner dated 20.06.2019 should be considered positively and appropriate orders should be passed within a period of four weeks for granting him the current wages as ordered by this Court in W.P.No.8550 of 2018 dated 01.10.2018.

7.With the above direction, this Writ Petition is disposed of. No costs.

01.11.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai

To
The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai



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R.N.MANJULA, J.

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