



W.P.Nos.931, 934, 947 & 948 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.931, 934, 947 & 948 of 2020

and

W.M.P.Nos.1115, 1122, 1148 & 1154 of 2020

- | | |
|-------------------|--------------------------------------|
| 1.T.Senthil Kumar | ... Petitioner in W.P.No.931 of 2020 |
| 2.B.Aravindhan | ... Petitioner in W.P.No.934 of 2020 |
| 3.S.Sivabalan | ... Petitioner in W.P.No.947 of 2020 |
| 4.A.Parameshwaran | ... Petitioner in W.P.No.948 of 2020 |

Vs.

- 1.Chennai Metro Rail Ltd.,
Rep. by its Chairman,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.
- 2.The Managing Director/Appellate Authority,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.



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3.The Director (S & O),
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.

4.The Chief Advisor (S & O) / Director (S & O) In-charge/
Disciplinary authority,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.

5.The Chief General Manager (HR),
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.

... Respondents in all WPs

Prayer in W.P.No.931 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 26.04.2019 passed by the 4th respondent in No.CMRL/HR/ESTT/DE/5036/2019 and the order dated 05.11.2019 passed by the 2nd respondent in No.CMRL/HR/ESTT/DE/5036/2019 and the order dated 02.06.2022 passed by the 3rd respondent in No.CMRL/MEMO/5036/2022, quash the same and consequently, direct the respondents to reinstate the petitioner with continuity of service, back wages and all other attendant and consequence benefits, award costs.

[prayer amended vide order dated 07.12.2022 made in W.M.P.No.15219 of 2022 in W.P.No.931 of 2020]



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Prayer in W.P.No.934 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 26.04.2019 passed by the 4th respondent in No.CMRL/HR/ESTT/DE/5077/2019 and the order dated 05.11.2019 passed by the 2nd respondent in No.CMRL/HR/ESTT/DE/5077/2019 and the order dated 02.06.2022 passed by the 3rd respondent in No.CMRL/MEMO/5077/2022, quash the same and consequently, direct the respondents to reinstate the petitioner with continuity of service, back wages and all other attendant and consequence benefits, award costs.

[prayer amended vide order dated 07.12.2022 made in W.M.P.No.15222 of 2022 in W.P.No.934 of 2020]

Prayer in W.P.No.947 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 26.04.2019 passed by the 4th respondent in No.CMRL/HR/ESTT/DE/5109/2019 and the order dated 05.11.2019 passed by the 2nd respondent in No.CMRL/HR/ESTT/DE/5109/2019 and the order dated 02.06.2022 passed by the 3rd respondent in No.CMRL/MEMO/5109/2022, quash the same and consequently, direct the respondents to reinstate the petitioner with continuity of service, back wages and all other attendant and consequence benefits, award costs.

[prayer amended vide order dated 07.12.2022 made in W.M.P.No.15337 of 2022 in W.P.No.947 of 2020]



W.P.Nos.931, 934, 947 & 948 of 2020

Prayer in W.P.No.948 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 26.04.2019 passed by the 4th respondent in No.CMRL/HR/ESTT/DE/5146/2019 and the order dated 05.11.2019 passed by the 2nd respondent in No.CMRL/HR/ESTT/DE/5146/2019 and the order dated 02.06.2022 passed by the 3rd respondent in No.CMRL/MEMO/5146/2022, quash the same and consequently, direct the respondents to reinstate the petitioner with continuity of service, back wages and all other attendant and consequence benefits, award costs.

[prayer amended vide order dated 07.12.2022 made in W.M.P.No.15341 of 2022 in W.P.No.948 of 2020]

For Petitioner : Ms.R.Vaigai
(in all WPs) Senior Counsel
For Respondents : Mr.AR.L.Sundaresan
(in all WPs) Additional Solicitor General
for M/s.Rita Chandrasekar
Assisted by Mr.Adiya Chandramouli
for M/s.Jayesh B.Dolia

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions are heard together and disposed of by this common order.



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2. When these matters are taken up for hearing today, the learned Senior Counsel appearing for the petitioners as well as the learned Additional Solicitor General appearing for the respondents submitted that, this Court, already issued a direction to the second respondent management to re-visit the punishment imposed by them to the petitioners on par with the punishment imposed to similarly situated persons, pursuant to which, the second respondent management had accepted the letters of apology submitted by the petitioners dated 20.09.2023 and decided to impose a punishment of three years stoppage of increment without cumulative effect.

3. In view of the above stand taken by the Management as well as the workmen, this Court is inclined to dispose of these writ petitions with the following order :

(i) the respondent-management is directed to reinstate the petitioners within a period of one (1) week from the date of receipt of a copy of this order ;

(ii) the petitioners are entitled only for 50% back wages from 07.11.2019 till the date of reinstatement ;



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(iii) the annual increment will be considered only from the year 2022 onwards ;

(iv) the punishment of three years stoppage of increment without cumulative effect shall be imposed upon the petitioners, as agreed and modified by the respondent-management, which was imposed on similarly situated persons ;

(v) the petitioners will not be entitled to any service benefits between the period from 03.12.2018 and 06.11.2019 and the said period will be treated as “Dies Non without break in service” ;

(vi) the petitioners are entitled for all other benefits including continuity of service except service benefits as indicated in clause (v) above.

4. With the above directions, these Writ Petitions are disposed of.

No costs. Consequently, the connected miscellaneous petitions are closed.

25.09.2023
(¹/₂)

Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

Note: Issue order copy on 26.09.2023.



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- 1.The Chairman,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.
- 2.The Managing Director/Appellate Authority,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.
- 3.The Director (S & O),
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.
- 4.The Chief Advisor (S & O) / Director (S & O) In-charge/
Disciplinary authority,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
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Chennai – 600 107.
- 5.The Chief General Manager (HR),
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
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Chennai – 600 107.



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**W.M.P.Nos.1113, 1119, 1147 &
1153 of 2020**
in
**W.P.Nos.931, 934, 947 & 948 of
2020**

M.DHANDAPANI, J.

Dispensed with for the
present.

sp 25.09.2023
(2/2)