



W.P.No.5427 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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1. Ganesan G
2. Sekar J
3. Adhimani M
4. Babu D
5. Beemaraji S
6. Chandrababu K T
7. Elumalai A
8. Ganesan V
9. Govindarajan K
10. Govindarajulu K S
11. Janarthanam K C
12. Kabaleeswaran N
13. Kamaldeen B
14. Kesavan K
15. Kesavan P
16. Kirupanandam S
17. Krishnapillai S
18. Louis C
19. Mani A
20. Mohan E
21. Munimallaiah N
22. Nagamthu M
23. Narayanan S R
24. Narayenasamy G
25. Neeladri Rao C
26. Nithiyanandam N
27. Pandurangan G
28. Ramamurthy M



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29. Ramesh K
30. Somasunder C R
31. Soundar S
32. Srisailam V
33. Thirumaran K
34. Thulasimani J
35. Vijayakumar S

...Petitioners

-Vs-

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House, Chennai – 600 002.

2. The General Manager HRD,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House, Chennai – 600 002.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to calculate and pay the medical leave salary for the medical leave which stood in the petitioners leave account as on 31.08.1998, based on their last drawn basic pay, dearness allowance, HRA and CCA to pay each of them the difference in medical leave salary, after adjusting the amounts already paid to the petitioners based on the incorrect calculation, together with interest at the rate of 12 percentage per annum.

For Petitioners : M/s H.Nandhini
For Respondents : Mr.A.Vinothraj
Standing Counsel



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ORDER

This writ petition has been filed for direction directing the respondents to calculate and pay the medical leave salary for the medical leave which stood in the petitioners leave account as on 31.08.1998, based on their last drawn basic pay, dearness allowance, HRA and CCA to pay each of them the difference in medical leave salary, after adjusting the amounts already paid to the petitioners based on the incorrect calculation, together with interest at the rate of 12 percentage per annum.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners had joined in the respondent Corporation in various posts on various dates and they had retired on various dates. At the time of their retirement, they were paid medical leave salary for medical leave which stood in their leave account as per their last drawn pay on 31.12.1998. From the year 2000, Technical and supervisory staffs were taken away from the coverage of wage revision settlement from 01.09.1998. The scales of pay and other allowances for the technical and administrative supervisory category employees



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were fixed and notified the Government Transport Department from the year 2000. The first petitioner was promoted as Assistant Engineer with effect from 01.09.1992. Later, he was promoted to the post of Senior Assistant Engineer on 01.01.2001. Thereafter, he was promoted as Selection Grade Assistant Engineer on 01.04.2005. He had retired from service on 31.07.2014, on reaching the age of superannuation. The petitioners 2 to 35 had joined as Junior Engineers and they got promotions to the higher posts on various dates and had retired from service on various dates.

4. As per the provisions contained under the ESI Act, an employee covered by the said Act is entitled to avail 24 days medical leave per year with salary. Since the Government exempted the Transport Corporation from the applicability of the ESI Act, based on the sick/medical leave and injury leave which were already in force. Further, majority of the employees including the technical and supervisory cadre employees agreed to come under the leave pattern and rules as applicable to the officer/managerial cadre employees, the leave rules and pattern as applicable to the officer/managerial cadre employees were made applicable to all categories of employees uniformly with effect from 01.09.1998 based on 12(3) settlement dated 13.02.1999. Therefore, the



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petitioners now claim medical leave salary for medical leave based on their last drawn pay with applicable interest.

5. Considering the above facts and circumstances of the case, the respondents are directed to dispose of the representations submitted by the petitioners seeking medical leave salary for the medical leave based on their last drawn pay with applicable interest, after adjusting the amounts which were already paid, in the light of G.O.(Nilai).No.220, Transport (C1) Department dated 06.08.1999 and Section 12(3) of the Industrial Disputes Act, 1947, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

01.03.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House, Chennai – 600 002.
2. The General Manager HRD,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House, Chennai – 600 002.

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