



W.P.Nos.502 & 503 of 2015

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.502 & 503 of 2015
and M.P.Nos.2,2,3 and 4 of 2015

The Management of MTC (Chennai) Ltd.,
No.2, Pallavan Salai,
Chennai – 600 002.

...Petitioner in
both W.P.'s

Vs

In W.P.No.502 of 2015

1.The Presiding Officer,
III Additional Labour Court,
Chennai.

2.P.Murugesan

...Respondents

In W.P.No.503 of 2015

1.The Presiding Officer,
III Additional Labour Court,
Chennai.

2.U.Sivaganapathy

...Respondents

PRAYER In W.P.No.502 of 2015: Writ Petition filed under Article 226 of the Constitution of India, to pass a Writ of Certiorari or any writ, order or direction to call for the records of the award passed by the 1st respondent in I.D.No.734 of



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2009 dated 17.10.2014 and to quash the same as illegal and against the provisions of the Industrial Disputes Act 1947.

PRAYER In W.P.No.503 of 2015: Writ Petition filed under Article 226 of the Constitution of India, to pass a Writ of Certiorari or any writ, order or direction to call for the records of the award passed by the 1st respondent in I.D.No.637 of 2009 dated 17.10.2014 and to quash the same as illegal and against the provisions of the Industrial Disputes Act 1947.

For Both W.P.'s

For Petitioner : Mr.C.Gowthamaraj

For Respondents : Mr.V.Ajay Khose for R2

COMMON ORDER

When the matter came up for hearing it is brought to the notice of this Court by the learned counsel for the petitioner and also the workmen that in this case totally 212 workmen had raised industrial disputes and award was passed in respect of the matters. While so, with reference to the same common award, vide order dated 29.09.2023 passed in W.P.Nos.337 & 12562 of 2015 etc., this Court has already dismissed the Writ Petitions filed by the management. In respect of Writ Petitions which were filed by the workmen were disposed of with certain



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directions. It is essential to extract paragraph No.12 of the said judgment.

12. In view of the above facts and circumstances, the Writ Petitions filed by the management are dismissed. The Writ Petitions filed by the workmen are disposed of with the following directions :~

(i) The management is directed to regularize the service of the workmen from the date of their termination as drivers and conductors without back wages till the date of award viz., 17.10.2014 with continuity of service and other attendant benefits.

(ii) The workmen are not entitled for back wages from the date of their termination till the date of award viz., 17.10.2014

(iii) The workmen are entitled to continuity of service and other attendant benefits from the date of their termination. The entire service of the workmen from the date of their regularization viz., from the date of their termination to be taken into account for calculating other attendant benefits.

(iv) The management is directed to fix the time scale of pay from the date of award on par with regular drivers and conductors, within a period of twelve weeks from the date of receipt of a copy of this Order.



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2. It is stated that one of the Transport Corporations had also filed Writ Appeal Nos.3099 of 2023 etc., and Division Bench of this Court had also by judgment dated 10.11.2023 confirmed the order of the learned Single Judge, for the major part except for making certain modifications/observations. The same is contained in paragraph No.8 and 9 of the said order which is extracted hereunder.

8. Considering the submissions of either side and also the facts and circumstances, with a view to shorten the life of the litigation and thereby, bringing a quietus to the matter, the order of the Single Bench and the award of the Labour Court are interfered with, with the following observations:

The workmen numbering 41 alone would be entitled to scale of pay and other benefits, on and from the date of their selection and appointment.

The issue as to whether the past services of these 41 workmen can be counted or not for other benefits, needs consideration by the Transport Corporation and hence, the said issue is left open for negotiations and settlement.

The workmen numbering 41 are entitled to entire service benefits, notionally fixed, without monetary benefits in the light of the judgment of the Supreme Court in Armed Forces Ex Officers Multi Services Cooperative Society Ltd. v Rashtriya Mazdoor Sangh (INTUC) [(2022) 9 SCC 586] relied upon by Mr. Ajay



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WEB COPY Khose, learned counsel for the workmen.

We expect the Transport Corporation to negotiate and try to bring about a settlement within a period of two months from the date of receipt of a copy of this judgment.

Arrears of pay based on the scale of pay that is applicable from the date of entry into service pursuant to the interview conducted based on call letters, shall be extended within a period of four months from the date of receipt of a copy of this judgment;

9.It is made clear that:

the workmen in W.A. No.3111, 3155 and 3142 of 2023 are not entitled to any relief, inasmuch as, they have not filed writ petition;

the workmen in W.A. No.3132 and 3115 of 2023 cannot be granted any relief since they were found ineligible; and

the workmen in W.A. Nos.3146, 3134, 3123 and 3143 of 2023 also cannot be granted any relief inasmuch as they did not appear for selection.

The writ appeals stand disposed of in the above terms. Costs made easy. Connected Miscellaneous Petitions stand closed.

3.In view thereof, these two Writ Petitions shall stand disposed of on the same terms. No costs. Consequently, connected miscellaneous petitions are



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closed.

06.11.2024

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Neutral citation : Yes/No

D.BHARATHA CHAKRAVARTHY, J.,

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To

The Presiding Officer,
III Additional Labour Court,
Chennai.

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