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W.P.No.34045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:
THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34045 of 2024

N.Pradhaban

...Petitioner

Vs

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

2.Deputy Manager (Central Pay Bill)
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan House, Anna Salai,
Chennai - 600 002.

3.Branch Manager,
Anna Nagar Bus Depot,
Metropolitan Transport Corporation (Chennai) Ltd.,
Chennai - 600 040.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent dated 29.11.2022 in Memo No.21038/Pa.Pi(Po)4/Ma.Po.Ka/2022 and to partly quash the same with regard to the direction to the 2nd and 3rd respondents to deduct the wages for the notice period of 15 days as illegal and consequently to direct the 1st respondent to pay the entire monetary benefits including Provident fund and gratuity payable to the petitioner, along with an interest at 24% per annum from 03.12.2022 till the date of payment.

For Petitioner : Mr.S.R.Karthikeyan
For Respondents : Mr.A.Vinothraj



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ORDER

This writ petition has been filed to call for the records relating to the impugned order of the 1st respondent dated 29.11.2022 in Memo No.21038/Pa.Pi(Po)4/Ma.Po.Ka/2022 and to partly quash the same with regard to the direction to the 2nd and 3rd respondents to deduct the wages for the notice period of 15 days as illegal and consequently to direct the 1st respondent to pay the entire monetary benefits including Provident fund and gratuity payable to the petitioner, along with an interest at 24% per annum from 03.12.2022 till the date of payment.

2. The case of the petitioner is that the petitioner was working as a driver in the respondent's corporation. Due to his personal reasons he submitted his resignation to the respondent on 23.11.2022, the 1st respondent accepted the petitioner's resignation on 29.11.2022 i.e even before the completion of notice period of 15 days. Though the petitioner was ready to work for such notice period, the respondent have rejected the said request and his accumulated monetary benefits including provident fund, gratuity also not paid, hence the present writ petition.

3. Learned counsel for the petitioner has submitted that the petitioner after submitting his letter of resignation on 23.11.2022 to the authorities, he worked for 9 days, till 02.12.2022. Though the petitioner was ready to work for notice period of

15 days, the 3rd respondent refused to provide the duty to the petitioner from



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03.12.2022 on the ground that the petitioners service was ended on 29.11.2022 i.e on the date of resignation accepted by the 1st respondent and deducted the wages for 15 days by obtaining 3 filled cheques.

4. On the other hand, learned counsel appearing for the respondents has submitted that the petitioner has submitted his resignation by letter dated 23.11.2022 and the same was accepted by the 1st respondent and issued orders on 29.11.2022, therefore, the petitioner's service can be counted for the retirement and monetary benefits only upto 29.11.2022 as per the rules in force. Therefore, there are no merits on the submissions made by the learned counsel for the petitioner and the writ petition is liable to be dismissed.

5. The main contention of the petitioner is that he worked till 02.12.2022, therefore he is eligible for monetary benefits accumulated till 02.12.2022.

6. The petitioner has filed a copy of Standing Orders applicable to the employees of Pallavan Transport Corporation Limited in the typed set of papers. Clause 19 deals with the resignation of employee, the relevant portion of Clause 19(a) is extracted below;

19. Resignation

a. A workman desirous of leaving the service of the Corporation shall give notice in writing to the Corporation as below, or an amount equivalent to the number of days wages/pay corresponding to the number of days of notice he is required to give under these orders,



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before he leaves the services of the Company.

- i. Probationers and temporary workmen -- 7 days*
- ii. Regular workmen -- 15 days*

7. From the facts and submissions, it is evident that the petitioner submitted his resignation on 23.11.2022, which was accepted by the 1st respondent on 29.11.2022, prior to the completion of the mandatory 15-day notice period stipulated under Clause 19(a) of the Standing Orders. The above Clause 19(a) clearly mandates that a regular workman is required to serve a notice period of 15 days or pay an amount equivalent to the wages for the notice period.

8. Though it is contended by the respondent-authority that petitioner that the petitioner is not eligible beyond on 29.11.2022, undisputedly, the respondents have permitted petitioner work till 02.12.2022. Therefore, deducting salary for the period worked by the petitioner is unfair and the respondent are liable to pay the salary for the period from 23.11.2022 to 02.12.2022.

9. Considering the facts and circumstances of the case and in view of above discussions, this Court passes the following order;

1. The impugned order dated 29.11.2022 passed by the 1st respondent is set aside.
2. The 1st respondent is directed to deduct the salary only for the period of six days and pay the salary to the petitioner from 23.11.2022 to 02.12.2022 (9 days)

3. The above shall be paid to the petitioner along with interest at the rate 6% per



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annum, within a period of eight weeks from the date of receipt of a copy of this order.

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10. With the above directions, the writ petition stands disposed of.
No costs.

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msv

Index:Yes/No

Internet:Yes/No

Speaking order: Non-speaking order

To

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