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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.2162 of 2025

1. A.Sugumaran
2. K.Selvaraj
3. V.Balakrishnan
4. M.Rajendran
5. K.Sundaram
6. S.Manivannan
7. S.Subburaj
8. A.Barnaboss
9. D.Venkatesan
10. Jamuna Subramaniam
11. S.Amirthalingam
12. D.Parimelazhagan
13. D.Koyyamalai
14. T.Gunaseelan
15. S.Parthasarathy
16. K.Jayakumar
17. K.Rajendran
18. N.Rathinakumar
19. K.Rajendran
20. N.Kulasekaran
21. N.Nagalingam
22. A.Ravichanderan
23. R.Subramanian
24. K.Ramadoss
25. V.Vallabane
26. R.Baskaran

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27. M.Sankaranarayanan
28. M.Panneerselvam
29. S.Viswabharathi
30. H.Abdul Munaff
31. R.Sekar ...Petitioners

Vs

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
No.2, Anna Salai,
Chennai – 600 002. ...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to calculate and pay the medical leave salary, which stood in leave account of the petitioners as on 31.08.1998, based on their last drawn salary, after adjusting the amount already paid with 10% interest to the petitioners in the light of G.O.(Nilai).No.220, Transport (C1) Department dated 08.08.1999 and as per Clause 15 of 12(3) settlement dated 13.02.1999.

For Petitioners : Mr.S.T.Varadarajalu

For Respondent : Mr.A.VinothRaj,
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2. The petitioner has filed this writ petition to issue a Writ of Mandamus directing the respondent to calculate and pay the medical leave salary, which stood in leave account of the petitioners as on 31.08.1998, based on their last drawn salary, after adjusting the amount already paid with 10% interest to the petitioners in the light of G.O.(Nilai).No.220, Transport (C1) Department dated 08.08.1999 and as per Clause 15 of 12(3) settlement dated 13.02.1999.

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 were fixed and notified the Government Transport Department from the year 2000. The petitioners had joined as Junior Engineers and they got promotions to the higher posts on various dates and had retired from service on various

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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 clause 15 of 12(3) settlement dated 13.02.1999. Therefore, the 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 respondent is directed to dispose of the representations submitted by the petitioners seeking medical leave salary for the medical leave based on

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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 08.08.1999 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

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Index:Yes/No
Speaking order/Non-speaking order
kv

To

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
No.2, Anna Salai,
Chennai – 600 002.

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V.BHAVANI SUBBAROYAN,J.

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