



WEB COPY

W.A.No. 1031 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 1031 of 2025
and
C.M.P.No. 8356 of 2025

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

... Appellant

Vs.

M.Sathishkumar,
Senior Conductor-c-14476,
No.9/7, Nallakinaru Street,
Ambattur, Mangalapuram,
Chennai - 600 098.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 29.02.2024 made in W.P.No.5114 of 2024.

For Appellant : Mr.R.Ramanlal
Additional Advocate General assisted by
Mr.A.Vinothraj



WEB COPY

W.A.No. 1031 of 2



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Since no approval was taken for dismissal of the petitioner, the petitioner was found entitled to reinstatement with back wages and continuity of service, a computation petition was filed in C.P.No.187 of 2018 claiming back wages for the period from December, 2008 to June, 2018. The Labour Court allowed the petition and directed payment of Rs.11,60,818/-. The said order was not complied with, leading to filing of E.P.No.7 of 2021.

2. During the pendency of the EP, the respondent agreed to give employment to the petitioner with continuity of service with all attendant benefits without back wages. This was agreed to. Therefore, the petitioner was reinstated in service on 05.11.2022. However, while fixing the pay of the petitioner, ignoring the fact that he is entitled to fixation with all attendant benefits, his salary was fixed at Rs.27,200/- instead of Rs.50,500/- which was the salary that was paid to the co-employee. This forced the petitioner to approach this Court with a prayer for mandamus directing the appellant to revise the salary. The writ Court, by order dated 29.02.2024

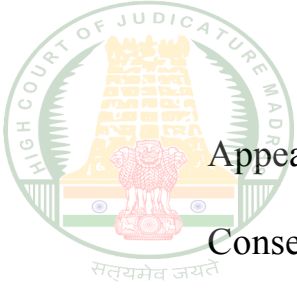


allowed the writ petition. Aggrieved, the Management is on appeal.

WEB COPY 3. We have heard Mr.R.Ramanlal, learned Additional Advocate General appearing for the appellant.

4. Though the learned Additional Advocate General would submit that his salary was fixed on the basis of last drawn pay when he was dismissed, we are unable to countenance the same. Admittedly, dismissal of the petitioner has become non-est, in view of the failure of the Management to take approval from the Labour Court and the CP was also allowed. In the Execution Court, there was a settlement whereby, the employee had foregone back wages to an extent of Rs.11,60,818/-. In these circumstances, the Management was obliged to pay him the salary which his co-worker is being paid. Denying the benefit of salary which is being paid to the co-worker would amount to breach of trust on the part of the Management to pay the salary though the Employee is entitled to as a result of the reinstatement.

5. In view of the same, we see no merit in the appeal. This Writ



W.A.No. 1031 of 2

Appeal therefore, fails and it is accordingly, **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed. The time granted by the learned single Judge to revise the salary of the petitioner and disburse the same is extended by three months from today.

(R.S.M., J.) (G.A.M., J.)
08.04.2025

kkn

Index: No
Speaking order
Neutral Citation : No

Note: Issue order copy on 16.04.2025.

To:-

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.



WEB COPY

W.A.No. 1031 of 2



R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.

KKN

W.A.No. 1031 of 2025
and
C.M.P.No. 8356 of 2025

08.04.2025