



WEB COPY

WP No. 9814 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE Ms. JUSTICE P.T. ASHA

**WP No. 9814 of 2026
and
WMP NO. 10582 OF 2026**

1. Gunasekaran
2. M.Pakkiri
3. A.Ravichandran

..Petitioner(s)

Vs

1. The Managing Director
Metro Transport Corporation(Chennai Limit),
Anna Salai, Chennai- 600 002.
2. The Branch Manager
Metro Transport Corporation (Chennai Limit)
Tondiarpet Depot-2.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, directing the respondent corporation to place the petitioners in the regular time scale of pay with effect from 21.09.2000 and re-fix their pay accordingly and revise and re-fix their pension, gratuity and all other terminal and Superannuation benefits on the basis of such corrected pay Fixation, to disburse the consequential monetary benefits arising therefrom, and to grant interest at such rate.



For Petitioner(s): Mr.Govardhanan
for Mr.K.Krishnamoorthy

For Respondent(s): Mr.A. Vinothraj
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondent-corporation to place the petitioners in the regular time scale of pay with effect from 21.09.2000 and re-fix their pay accordingly and to revise and re-fix their pension, gratuity and all other terminal and superannuation benefits on the basis of such corrected pay fixation, to disburse the consequential monetary benefits arising therefrom, and to grant interest.

2. It is the case of the petitioners that they were appointed as Conductor/ Driver in the respondent corporation during the year 1998 through the District Employment Exchange. The Petitioners were engaged as temporary Conductors on daily wages on 18.10.2000 and 17.12.1999 respectively. Subsequently, their services were confirmed with effect from 01.09.2005. They became eligible for placement in the regular time scale of pay from 21.09.2000. However, citing the recruitment ban imposed vide G.O.Ms.No.212 dated 29.11.2001, the respondents deferred such placement and continued them as temporary



employees on daily wages until 2005. This said ban applied only to fresh appointments and not to pay fixation of employees already in service and placement in the time scale did not amount to regularization, fresh recruitment or creation of posts.

3. It is the further case of the petitioners that they were placed in the regular time scale only in 2005, after the lifting of the ban, and that too prospectively, without extending the consequential monetary and service benefits from the date of eligibility. This resulted in financial loss, as subsequent increments and pay revisions were calculated on a reduced foundational pay, which ultimately affected their last drawn pay and consequently their pensionary benefits upon retirement during 2024–2025.

4. In similar circumstances, this Court, in W.P. No. 31831 of 2012 dated 29.01.2018, had categorically dealt with the scope of G.O.M.s.212 dated 29.11.2001, wherein it was held that the recruitment ban could not be invoked to deny regular time scale to employees who had already been appointed. The said order was taken on appeal in W.A.No.1734 of 2018 and the Division bench of this Court vide its judgement dated 04.09.2018 held that the employees would not lose their eligibility of service.



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5. The petitioners would submit that similarly placed employees have been granted placement in the regular time scale upon completion of the qualifying period, whereas the petitioners alone were denied such benefit only on account of the recruitment ban. The petitioners had attained superannuation on 30.04.2025 and despite submitting a detailed representation dated 08.12.2025 seeking correction of pay fixation and re-fixation of pensionary benefits, the respondent Corporation has not passed any orders, compelling the petitioners to approach this Court by way of the present writ petition.

6. Heard the learned counsels on either side and perused the materials available on record.

7. Considering the limited request made by the petitioner particularly in the light of a similarly placed workman having obtained a favourable order in W.A.No.1734 of 2018 dated 04.09.2018 which has been confirmed by the Hon'ble Supreme Court, the Writ Petition is allowed and a mandamus is issued to the respondent to consider the representation of the petitioner dated 08.12.2025 and pass a speaking order within a period of 6 weeks from the date of receipt of a copy of this order taking into account



the order in W.A.No.1734 of 2018. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

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P.T.ASHA J.

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