

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35188 of 2015

A.Kanagaraj

Petitioner

Vs.

1.The Secretary to the Government
of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 9.

2.The General Manager,
Tamil Nadu State Express Transport
Corporation Ltd.,
Pallavan House, Chennai - 600 002.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to regularize the appointment of the petitioner with effect from 30.4.1999 with all attendant and monitory benefits based on the representation made by the petitioner dated 15.4.2015.

For Petitioner : Mr.T.K.S.Muthukumaran

For Respondent : Mr.S.Gunasekar
No.1 Government Advocate

For Respondent : Mr.P.Kannan Kumar
No.2

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that he joined the services of the 2nd respondent Corporation as Conductor on daily wages and was receiving a sum of Rs.122/- as a daily wage and a separate Service Register was also created by the Assistant Branch Manager, Chennai -3. It is the claim of the petitioner

that though he has completed 240 days of continuous service, he has not been accorded permanency order on 30.04.1999 and he was given regularization only on 03.09.2005.

3. It is the claim of the petitioner that on account of belated regularization, he has lost 6 years service period along with monitory loss and some of the persons similarly placed have raised industrial dispute by approaching Labour Court as well as this Court and got positive order in their favour and those orders are also subject matter pending writ appeal before the Division Bench of this Court. The petitioner, in this regard has also submitted a representation dated 15.04.2015 and though it was acknowledged on 22.4.2015, he has not been favoured with any kind of order. Hence, he came forward to file this writ petition.

4. Heard the submission of Mr.T.K.S.Muthukumaran, learned counsel appearing for the petitioner, Mr.S.Gunasekar, learned Government Advocate, who accepts notice for the 1st respondent and Mr.P.Kannan Kumar, who accepts notice for the 2nd respondents.

5. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 15.04.2015 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sms

To

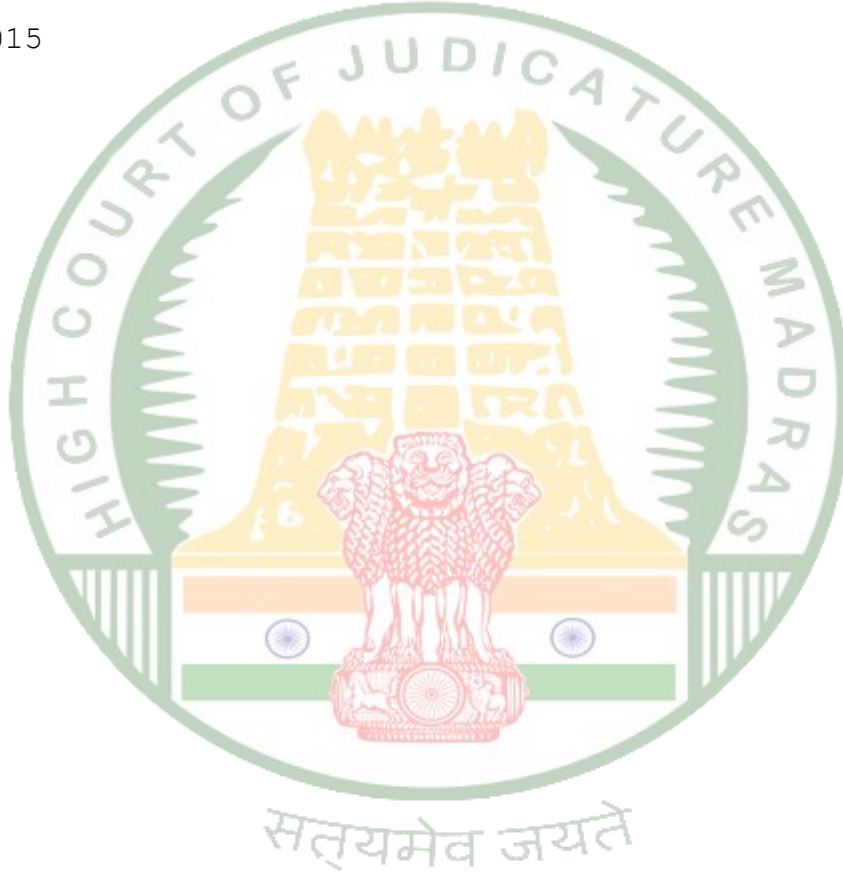
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+1 cc to Mr.P.Kannan Kumar Advocate sr.60383
+1 cc to Mr.TKS.Muthukumaran Advocate sr.59957

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